

CA4 ON HBL A05

C51P4

Sept 14/88 - Oct 12/88

URBAN/MUNICIPAL

AGENDAS/MINUTES OF THE
PLANNING AND DEVELOPMENT
COMMITTEE OF COUNCIL

CA4 ON HBL A05
C51P4



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CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1988 September 8

URBAN MUNICIPAL

SEP 21 1988

GOVERNMENT DOCUMENTS

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1988 September 14
2:00 o'clock p.m.
Room 233, City Hall

Susan K. Reeder
Secretary

SKR:dbm

A G E N D A

1. Minutes of the meeting held Tuesday, 1988 August 30.

DIRECTOR OF PROPERTY

2. Extension of Commencement Date of Construction - City Sale of Lot 43, Plan M-227 (255 Lancing Drive).
3. Purchase by the City - 411 Sherman Avenue North.
4. Release of Building Covenants - 100 Goderich Road.



COMMISSIONER OF ENGINEERING

5. Decorative Lighting System - Barton Street B.I.A.
(a) Report - Director of Community Development.
6. Cash Payment in lieu of 5% Parkland Dedication.
(a) "Anna Capri Gardens Addition".
(b) "Lillian Heights - Phase 1".
(c) "Templemead No. 1 Survey - Phase 2".
(d) "Highridge Hills - Stage 1".

BUILDING COMMISSIONER

7. Parking Restrictions - Commercial-Residential Areas. (Information Report to follow)
8. Demolition Permit - 2825 King Street East - Building Permit for New Development - Report - City Solicitor's Office.

DIRECTOR OF COMMUNITY DEVELOPMENT


9. City of Hamilton Heritage Programmes. (Private and Confidential)

ALDERMAN D. CHRISTOPHERSON

10. Implementation Loan Programme - Second Level Lodging House By-Law.

ITEM REFERRED BY CITY COUNCIL

11. Correspondence - Woolley, Dale & Dingwall - Dan Management Limited on behalf of 645437 Ontario Limited - Application for amendments to Official Plan and Zoning By-Law - Proposed Restaurant and Tavern - 986-998 Upper Wentworth Street.



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DIRECTOR OF LOCAL PLANNING

12. Site Plan Control Application DA87-61, Arosa Properties Ltd., owner, lands at the south-west corner of Upper Paradise Road and Stone Church Road West.

ZONING APPLICATIONS

TO BE HEARD IN ROOM 233

3:00 o'clock p.m.

13. Zoning Application 88-24, A. Weisz, owner, for lands on the north side of Rymal Road East between Upper Wentworth Street and the Hydro Right-of-Way. (Butler Neighbourhood)
14. (a) Zoning Application 88-07, Vaghela Investments, owner, for property at 21-71 Sanford Avenue North. (Gibson Neighbourhood) - REPORT TO FOLLOW.
- (b) Site Plan Control Application DA88-56, Vaghela Investments, owner, for property at 21-71 Sanford Avenue North, 14 Acorn Avenue, 15 Sanford Avenue South. (Gibson Neighbourhood) - REPORT TO FOLLOW.
15. Other Business.
16. Adjournment.

Tuesday, 1988 August 30
5:30 o'clock p.m.
Room 233, City Hall

A special meeting of the Planning and Development Committee was held.

There were present: Alderman J. Smith, Chairman
Alderman D. Ross, Vice-Chairman
Alderman H. Merling
Alderman B. Hinkley
Alderman T. Cooke
Alderman D. Agostino
Alderman D. Christopherson
Alderman W. McCulloch

Regrets: Mayor Robert M. Morrow - Vacation

Also present: Mr. L. Sage, Chief Administrative Officer
Mr. V. Abraham, Director of Local Planning
Mr. J. Pavelka, Director of Public Works
Mr. D. Vyce, Director of Property
Mr. M. Watson, Real Estate Division
Ms. L. Lawrence, City Solicitors Office
Mr. E. Kowalski, Director of Community Development
Mr. J. Avery, Purchasing Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of a report from the Director of Property dated 1988 August 9 respecting Purchase by the City - 409 Sherman Avenue North.

Purchase by the City -
409 Sherman Ave. N.

The Committee APPROVED the following:

That an Option to Purchase the property at 409 Sherman Avenue North by Richard R. Williams executed on 1988 August 9 and scheduled to close on or before 1988 October 6 BE COMPLETED.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) and has a frontage of 20.5 feet, more or less, by a depth of 90 feet, more or less, together with all structures erected thereon. The purchase price of \$53 600 in accordance with Schedule "A", and all costs and associated expenses, including Tenant Moving Allowances, to be charged to Account 0408-W75266. Demolition is to take place upon closing.

The Committee was in receipt of a report from the Director of Property dated 1988 July 14 respecting Release of Building Covenants - Dundurn Inn Limited - South-west corner of York Boulevard and Dundurn Street North, Hamilton.

Release of Building
Covenants - Dundurn
Inn Limited - south-
west corner of York
Blvd. and Dundurn St. N

The Committee APPROVED the following:

That the City Solicitor BE AUTHORIZED to prepare a Quit Claim Deed from the City of Hamilton to the present owners of 149 Dundurn Street North, Hamilton, Ontario to release the property from the construction covenants to the City as contained in deed number 147660 C.D.

NOTE: In adopting Item 18 of the First Report of the Board of Control on 1978 January 10, as amended by Item 20 of the Tenth Report of the Board of Control on 1979 February 13, City Council authorized the sale of the City owned property at 153 Dundurn Street North and 54 Woodbine Crescent to Roxborough Development Corporation and Iona Development Corporation. The transaction was completed on 1980 January 4. On 1987 June 12 a 9,500 square foot building was completed on the site.

The Property Department supports the request of the owners that the City of Hamilton release the construction covenants contained in deed number 147660 C.D. in order to clear the title, as all of the construction covenants as noted above have been fulfilled.

Release of Building
Covenants -
70 Covington Street.

The Committee was in receipt of a report from the Director of Property dated 1988 July 14 respecting Release of Building Covenants - Ted Paul - Lot 15, Plan 1332, Hamilton Industrial Estates No. 2 - 70 Covington Street, Hamilton.

The Committee APPROVED the following:

That the City Solicitor BE AUTHORIZED to prepare a Quit Claim Deed from the City of Hamilton to the present owner of 70 Covington Street, Hamilton, Ontario, to release the property from the construction covenants to the City as contracted in deed number 117945 A.B.

NOTE: In adopting Item 19 of the Report of the Board of Control, City Council on 1968 February 27 authorized the sale of Lot 15, Plan 1332. This transaction was completed on 1969 January 13 and on 1972 February 2, a 12,000 square foot building was completed on this site.

The Property Department supports the request of the owner that the City of Hamilton release the construction covenants contained in deed number 117945 A.B. In order to clear the title, as all construction covenants referred to above have been fulfilled.

Hamilton Rail Station
- Computer Parking
"Go Transit" -
Strachan Street East.

The Committee was in receipt of a report from the Director of Property dated 1988 August 8 respecting the Hamilton Rail Station - Computer Parking "Go Transit" - Strachan Street East.

Following some discussion on this matter the Committee APPROVED the following:

- (a) That the Mayor and City Clerk BE AUTHORIZED to execute a lease with the Toronto Area Transit Operating Authority for the property described as Part 1, 2, 3 and 4 on Plan 62R-6290 located on Strachan Street East.
- (b) That the lease be in a form satisfactory to the City Solicitor

NOTE: The lease is for a period of two (2) years, to be commenced 1988 August 1 and ending on 1990 July 31. In the event that both parties mutually agree to extend the lease for an additional term commencing 1990 August 1 to 1992 July 31, the parties agree that such extension shall be in accordance with and subject to the same terms and conditions.

In the event the premises are not required for the Industrial Perimeter Road Project consideration will be given to a further two (2) year extension upon such terms and conditions as the parties may agree.

The rent payments are \$9 636 per year plus realty taxes paid in advance in monthly installments of \$803 on the first day of each month and commencing 1988 August 1.

Application for
Ministry of Culture
and Communication
Technical Consulting
Service - 171 Forest
Avenue.

The Committee was in receipt of a report from the Secretary of the Local Architectural Advisory Committee dated 1988 August 4 respecting 171 Forest Avenue - Application for Ministry of Culture and Communication Technical Consulting Service.

The Committee APPROVED the following:

That the City of Hamilton apply for the Technical Consulting Service to obtain the assistance of a masonry conservation expert for the designated house at 171 Forest Avenue in order to assess the scope and cost of the stone masonry repairs, to prioritize the work and determine the most appropriate conservation techniques to be used.

The Committee was in receipt of a report from the Co-ordinator of the Beach Implementation Committee dated 1988 July 15 respecting Hamilton Beach, Neighbourhood Plan Advisory Committee.

Hamilton Beach -
Neighbourhood Plan
Advisory Committee.

The Committee APPROVED the following:

"That the Planning and Development Committee authorize the use of an Advisory Committee for the preparation of a Neighbourhood Plan composed of the current members of the Beach Implementation Committee and seven (7) owners/tenants from Hamilton Beach".

The Committee was in receipt of a report from the Co-ordinator of the Beach Implementation Committee dated 1988 July 15 respecting Hamilton Beach, Proposed Official Plan Amendment.

Hamilton Beach -
Proposed Official
Plan Amendment.

The Committee was also in receipt of a report from the Commissioner of the Planning and Development Department dated 1988 August 2 respecting the Hamilton Beach Implementation Committee request for an Official Plan Amendment.

Mr. V. Abraham, Director of Local Planning addressed the Committee on these two recommendations and indicated that staff would prefer to hold the preparation of an Official Plan Amendment in abeyance pending the outcome of a Neighbourhood Plan Study for the area. It was confirmed by Alderman Christopherson that the Hamilton Beach Implementation Committee would like to have this work done right away.

General discussion ensued on this matter and it was moved by Alderman Christopherson, seconded by Alderman Hinkley and carried to APPROVE the following recommendation:

That City Council request Regional Council to amend the Hamilton-Wentworth Region Official Plan to reflect the Hamilton Beach Concept Plan.

NOTE: For the information of members of City Council, the Planning and Development Committee have directed staff to prepare an Official Plan Amendment for Hamilton Beach to reflect the Hamilton Beach Concept Plan. Staff have also been authorized to hold a Public Meeting to consider the proposed Official Plan Amendment.

The Committee was in receipt of a Draft Bill from the City Solicitor's Department with respect to the "Family" definition.

Draft Bill -
"Family"
Definition.

The Committee was also in receipt of a report from the Commissioner of Planning and Development Department dated 1988 August 11 respecting an amendment to Zoning By-law No. 6593 respecting the "Family" definition.

The Committee was advised that in order that the intent of City Council to pass a "Family" definition By-law, as approved by City Council at its meeting held 1988 July 26th, additional directives need to be included in the resolution. The Planning Commissioner therefore recommends that the resolution approved by City Council on 1988 July 26th be rescinded and replaced with a more explicitly directed resolution.

Amended Resolution -
"Family"
Definition.

General discussion then ensued on this matter and the Committee APPROVED the following recommendation:

- (a) That Section 29 of the SIXTEENTH Report for 1988 of the Planning and development Committee BE RESCINDED and replaced with the following:
- (i) That Section 2 of the Zoning By-law No. 6593 be amended to provide for the following definition of "family":
 - (ii) "Family shall mean":
 - 1. one person, with or without the accommodation of not more than three lodgers, or,
 - 2. any number of persons related to each other by blood, marriage, legal adoption, or foster parentage, with or without the accommodation of not more than three lodgers, or,
 - 3. any number of persons, two of whom live together in a conjugal relationship outside marriage and either one or both of whom are related to the remainder by blood, marriage, or legal adoption, or foster parentage, with or without the accommodation of not more than three lodgers, or,
 - 4. five or fewer persons, irrespective of the relationship if any between them,
occupying premises and living as a single housekeeping unit;
 - (iii) but does not include a person or group of persons occupying:
 - 1. a residential care facility, a short term care facility, a room or suite in a hotel, hostel, or lodging home, tourist home and any institutional accommodation.
- (b) That appropriate changes be made to other sections of the Zoning By-law to comply with the intent of the "family" definition.
- (c) That the City Solicitor be requested to prepare a By-law for submission to City Council.

NOTE: Minor amendments to Council's resolution are required to ensure the intent of the By-law is maintained.

In addition, the new "family" definition will affect other sections of the By-law not only Section 2 - Interpretations and Definitions. Accordingly, a new resolution is required to incorporate these additional changes.

The above recommendation resulted in a recorded vote as follows:

Yeas: Alderman Merling, Alderman McCulloch, Alderman Cooke, Alderman Agostino, Alderman Ross.

Nays: Alderman Christopherson, Alderman Smith, Alderman Hinkley.

Tuesday, 1988 August 30

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 July 18 respecting proposed Draft Plan of Subdivision "Gagliano Gardens Addition".

Subdivision
Application 86-20 -
north of Rymal Road
East, west of Upper
Gage Avenue.

The Committee APPROVED the following:

- (a) That APPROVAL be given to Subdivision Application 86-20, Di Cenzo Construction Company Limited, owner, to establish a draft plan of subdivision north of Rymal Road East, west of Upper Gage Avenue, subject to the following conditions:
- (i) That this approval apply to the plan prepared by A. J. Clarke and Associates, dated 1986 July 24 showing 41 lots and 4 blocks, revised to align Street "B" with the future street on the abutting lands.
 - (ii) That the owner acquire sufficient land to establish all streets in full and the streets be dedicated as public highways on the final plan.
 - (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iv) That the final plan conform with Zoning By-law approved under The Planning Act.
 - (v) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (viii) That the dead-ends and open side of the road allowances (Blocks "44" to "48" inclusive) created by the plan be terminated in 0.3 m reserves to be conveyed to the City of Hamilton and to be held by the City until required for the extension of the road allowances or for the development of abutting lands.
 - (ix) That Blocks "42" and "43" be developed only in conjunction with abutting lands.
 - (x) That the owner shall erect a sign in accordance with Section X of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xi) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That a Subdivision Agreement BE ENTERED INTO by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-86-20), Di Cenzo Construction Company Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

Official Plan
Conformity with
the Niagara
Escarpment Plan -
Project Proposal.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 August 2 respecting Official Plan Conformity with the Niagara Escarpment Plan - Project Proposal.

The Committee APPROVED the following:

- (a) That the "City of Hamilton Official Plan Conformity with the Niagara Escarpment Plan - Project Proposal" attached herewith and marked APPENDIX "A", BE ENDORSED;
- (b) That the City Clerk be requested to forward the Project Proposal to Regional Council for their endorsement; and,
- (c) That upon Regional Council endorsement, the Project Proposal be submitted to the Ministry of Municipal Affairs as the City's formal application for funding to undertake the conformity exercise.

Publication of an
Information Brochure
- Student Housing
Task Force.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 August 3 respecting Student Housing Task Force Recommendation - Publication of an Information Brochure.

The Committee APPROVED the following:

- (a) That City Council direct the Planning and Development Department to include in the Department's 1989 Work Program, the preparation of a brochure for the general public containing:
 - (i) a synopsis of the following City By-laws: Garbage and Snow Removal, Noise, Backyard and Property Standards, etc.; and
 - (ii) the name and phone number of the departments which enforce the By-laws.
- (b) That the City Council request McMaster University, with technical assistance from the City of Hamilton, to continue to publish brochures for students addressing the following:
 - (i) outlining the students' rights and obligations under the City of Hamilton By-laws (Property Standards, Backyard, Noise, Traffic, Zoning and Licencing (Lodging Home), etc.);
 - (ii) listing the various City/Regional Departments and their responsibilities, and where a person can register a complaint;
 - (iii) promoting families to accept students as boarders;
 - (iv) hints on being a "good neighbourhood";
 - (v) encouraging landlords and lodging home operators to assign and include in rental/lease agreements or other relevant documents, responsibilities for matters such as yard maintenance/snow shovelling, and to outline the number and locations of legal parking spaces per dwelling.

The Committee was in receipt of an added report from the Manager of Purchasing dated 1988 August 26th respecting Phase IV, Downtown Hamilton Action Plan, Jarvis Street Square.

Jarvis Street Square
Construction -
Phase IV, Downtown
Hamilton Action Plan.

The Committee APPROVED the following:

- (a) That a purchase order BE ISSUED to Delmar Contracting Ltd., Fruitland, in the amount of \$382 500 for the Phase IV, Downtown Hamilton Action Plan, Jarvis Street Square construction, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and;
- (b) That a contract BE ENTERED INTO satisfactory to the City Solicitor.

NOTE: Lowest of two (2) tenders received. Funds provided in Jarvis Street Square, Contractual Services #0405-A93015.

The Committee was in receipt of an added report from the Manager of Purchasing dated 1988 August 26th respecting the Supply and Delivery of Octaflute Poles for the B.I.A. Commercial Improvement Programme (Barton East #1 General).

Octaflute Poles -
Barton East #1
General B.I.A.

The Committee APPROVED the following:

That a purchase order BE ISSUED to Union Metal Poles Ltd., Burlington, in the amount of \$19 353.60 for the supply and delivery of Octaflute Poles for the B.I.A. Commercial Improvement Programme, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of two (2) tenders received. Funds provided in Barton East #1 General B.I.A. Commercial Improvement Programme Account #0405-K75709.

The Committee was in receipt of an added report from the Director of Community Development dated 1988 August 25th respecting Provision of Contract Management - Phase IV of the Downtown Hamilton Action Plan, Jarvis Street Square.

Provision of Contract
Management -
Phase IV, Downtown
Hamilton Action Plan,
Jarvis Street Square.

The Committee APPROVED the following:

That, Basciano-O'Connor Landscape Architects Ltd., BE APPOINTED to carry out the contract management for the Phase IV Jarvis Street Square Project at a total upset fee of fifteen thousand dollars (\$15 000) as per Schedule 'A' attached herewith and marked APPENDIX "B".

NOTE: Ontario Municipal Board approval for the entire Phase IV Project costs of one million, four hundred and twenty nine thousand dollars (\$1 429 000) was received on 1987 May 29.

Moved by Alderman Merling, seconded by Alderman Hinkley and carried that the Committee move IN CAMERA to discuss a matter of a private and confidential nature.

The Committee then came into open session and there being no further business, the meeting then adjourned.

Adjournment.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1988 August 30

FOR ACTION

2.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1988 August 12
COMM FILE:
DEPT FILE: 20.1.288
(2738)

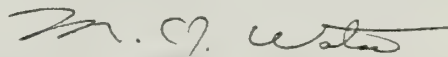
SUBJECT: Extension of Commencement Date of Construction
City Sale of Lot 43, Plan M-227 (255 Lancing Drive)
To: Elio and Maria Angela Pietrantoni

AUG 17 1988

RECOMMENDATION:

The Real Estate Division of the Property Department respectfully recommends that the Offer to Purchase the lands of the Corporation of the City of Hamilton, being composed of Lot 43, Plan M-227, Hamilton Industrial Park No.1, duly executed on November 2, 1987 by the Purchasers, Elio Pietrantoni and Maria Angela Pietrantoni, as approved by City Council on November 24, 1987, 16th Report of the Planning and Development Committee, Item #4, be amended as follows:-

- "1. That the date of commencement of construction be extended from July 26, 1988 to October 26, 1988, and
2. All other terms and conditions of the Offer to Purchase to remain the same, and time continues to be of the essence."


D. W. Vyce

FINANCIAL IMPLICATIONS: - N/A

BACKGROUND:

This department has received a request from Mr. Philip Castrodale, solicitor on behalf of his clients, Mr. and Mrs. Pietrantoni, that the commencement of construction date be extended from July 26, 1988 to October 26, 1988.

Mr. Castrodale advises that both the Engineer and Surveyor, engaged by the owners, have encountered delays because of the great workload they have with numerous projects in the East Mountain area Industrial Parks. As a result, we are recommending this extension.

c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor

FOR ACTION

3.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1988 September 8

COMM FILE:

DEPT FILE: 100.11.97

SUBJECT: Purchase by the City - 411 Sherman Avenue North
- Phillip Sinwaski

RECOMMENDATION:

That an Option to Purchase the property at 411 Sherman Avenue North by Phillip Sinwaski, executed on September 7, 1988 and scheduled to close on or before November 15, 1988 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) and has a frontage of 20 feet, more or less by a depth of 90 feet, more or less, together with all structures erected thereon. The purchase price of \$65,000.00 in accordance with Schedule "A" attached, and all costs and associated expenses, including Tenant Moving Allowances, to be charged to account 0408-W75266. Demolition is to take place upon closing.


D. W. Vyce

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

There will be revenue generated by the disposal of the assembled lands. The amount is not known at this time.

BACKGROUND:

In accordance with City Council's instructions, Item 27, July 28, 1987 to acquire the properties in the Alpha Enclave (West), we enclose herewith an Option to Purchase agreement for 411 Sherman Avenue North in the amount of \$65,000.00.

Attach.

c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Swan, Manager, Property Maintenance Division
- Mr. P. Kuppe, Building Commissioner
Attention: Monica German

FOR ACTION

4.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1988 September 8

COMM FILE:

DEPT FILE: 40.15.49
(4504)

SUBJECT: Release of Building Covenants
650553 Ontario Inc (Douglas Ross Baxter)
Part 7 & 8, 62R-7820 - 100 Goderich Road

RECOMMENDATION:

That the City Solicitor be authorized to prepare the necessary release agreement from the City of Hamilton to the present owners of 100 Goderich Road, Hamilton, Ontario to release the property from the construction covenants to the City as contained in deed number 342507 CD.

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

In adopting Item 22 of the First Report of the Planning & Development Committee on December 10, 1985, City Council authorized the sale of the City owned property at 100 Goderich Road to 650553 Ontario Inc. The transaction was completed on February 6, 1986. A 5,000 square foot building was completed on the site in accordance with the building covenants contained in the City's deed number 342507 CD.

This department supports the request of the owners that the City of Hamilton release the construction covenants contained in deed number 342507 CD in order to clear the title.

c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. M. Chidley, Regional Surveyor

D. W. Vyce

F O R A C T I O N

5.

REPORT TO: MS. S. REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER,
 COMMISSIONER OF ENGINEERING

DATE: August 31, 1988
COMM FILE:
DEPT FILE: Q23-88
 RHW-88-15
ID#0043D

SUBJECT:


SEP 6 1988

Barton Street B.I.A. - Decorative Lighting System

RECOMMENDATION

That the Commissioner of Engineering be authorized and directed to issue a requisition to DUFFERIN CONSTRUCTION COMPANY in the amount of \$30,000.00 for the Supply and Installation of a working, decorative lighting system on Barton Street, and be charged to the City of Hamilton Capital Budget Account No. 0407-K75709.

Lowest of three (3) bids received.



G. S. Spencer
Commissioner of Engineering

FINANCIAL IMPLICATIONS

City of Hamilton Capital Budget Account No. 0407-K75709

BACKGROUND

The decorative lighting system is to be provided as part of the commercial improvement program, and is similar to installations in other B.I.A. areas throughout the city.

Three (3) tenders were received on Thursday, August 25, 1988.

DUFFERIN CONSTRUCTION COMPANY (Oakville)	\$30,000.00
DELMAR CONTRACTING (Fruitland)	\$34,000.00
STANDARD PAVING (Hamilton)	\$38,500.00

ms:

c.c. J. J. Schatz, Secretary, Executive Committee
 E. Matthews, City Treasurer, Att: B. Hotrum
 E. W. Kowalski, Director, Community Development

MEMORANDUM

5a.

DEPARTMENT OF COMMUNITY DEVELOPMENT

P. O. BOX 2040
HAMILTON, ONTARIO
L8N 3T4

DATE: 1988 September 08

MEMO TO: Mr. E. A. Simpson, City Clerk
City Clerk's Department

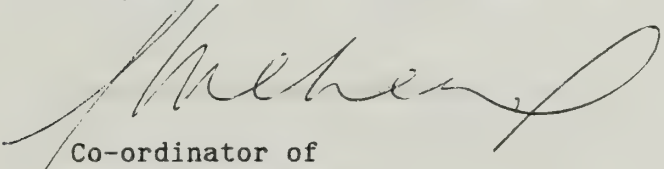
ATTENTION: Mrs. S. K. Reeder, Secretary
Planning and Development Committee

FROM: Ms. J. M. McNeilly

SUBJECT: Decorative Lighting System; Barton Street
Business Improvement Area

As per your request of E. Kowalski on 1988 September 08 regarding the subject, the Barton Street Business Improvement Area Commercial Improvement Programme submission was approved by City Council on 1988 June 28. The total authorized costs for thirty-two (32) poles and luminaires, eighty (80) hanging flower baskets, interlocking pavers in the boulevards and drinking fountains is two hundred and sixty-nine thousand, seven hundred and fifty dollars (\$269,750). Of that amount, eighty-one thousand dollars (\$81,000) has been estimated for supply and installation of thirty-two (32) poles luminaires at each of the intersections within the Business Improvement Area boundaries. This part of the project is being co-ordinated by Mr. S. Barley of Regional Engineering.

If you have any further questions, please give me a call.



Co-ordinator of
Community Renewal

JM:dp

F O R A C T I O N

6a.

REPORT TO: S. REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER
 COMMISSIONER OF ENGINEERING

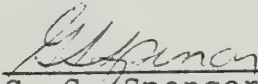
DATE: 1988 September 08
COMM FILE:
DEPT FILE: S701-41
I.D. 0246D(77)

SUBJECT

"ANNA CAPRI GARDENS ADDITION", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication).

RECOMMENDATION

- a) That the Corporation of the City of Hamilton accept the sum of \$3,560.00 as cash payment in lieu of 5% dedication in connection with "ANNA CAPRI GARDENS ADDITION", Hamilton, this being the cash requirement under Section 50 of The Planning Act.



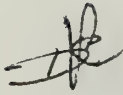
G. S. Spencer
Commissioner of Engineering

BACKGROUND

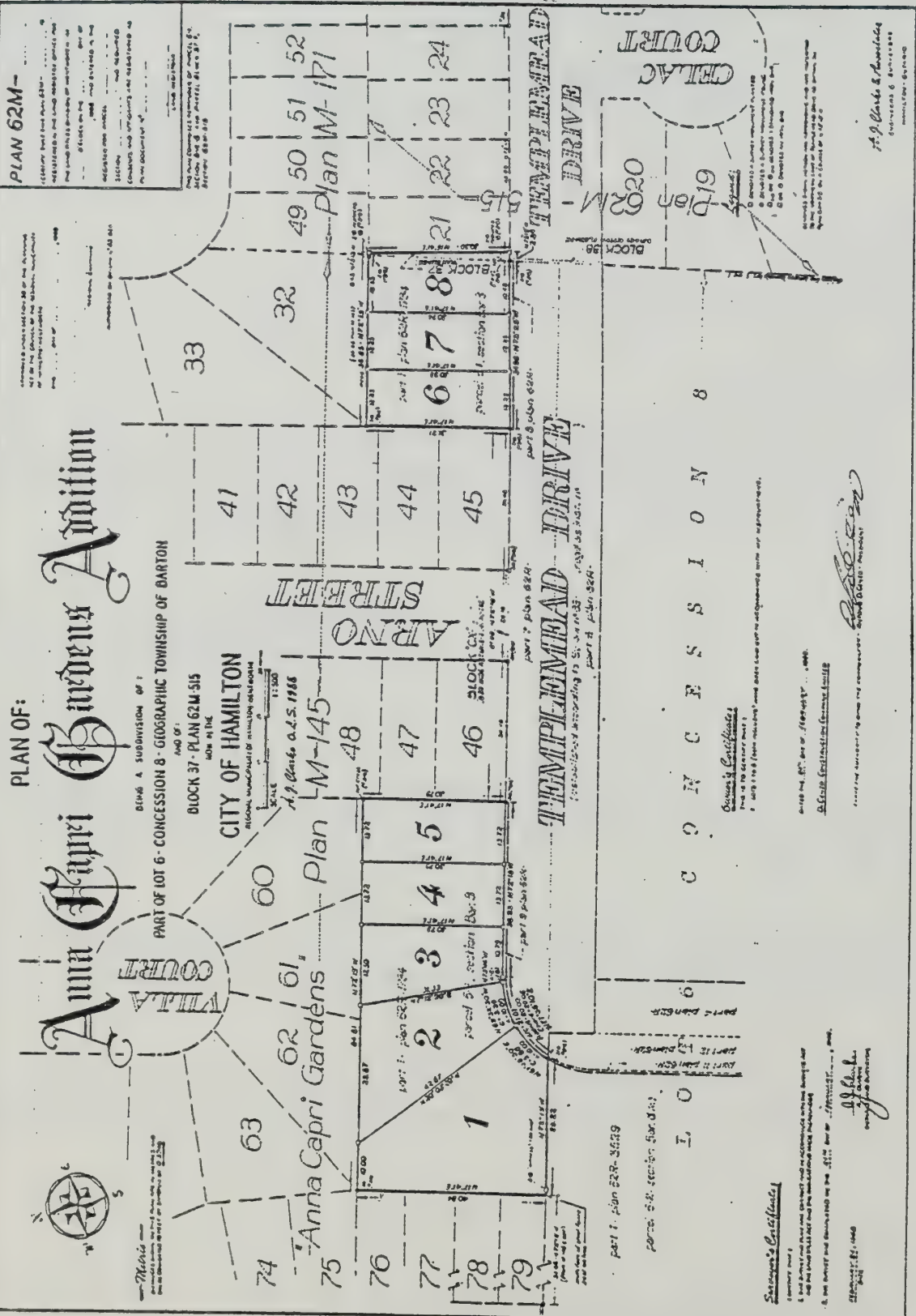
The owners of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedures, the City and Regional staff have completed the calculations for the 5% cash payment in lieu of Parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$3,560.00

*Note: These lands are located south of Stone Church Road and east of Upper Gage Avenue, in the Templemead Neighbourhood, Hamilton.

 DVC: cab.
Encl.

c.c. D. J. Consoli, City Treasury
 B. Loretto, City Solicitor's Office



F O R A C T I O N

6b.

REPORT TO: S. REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER
 COMMISSIONER OF ENGINEERING

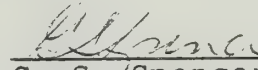
DATE: 1988 September 08
COMM FILE:
DEPT FILE: S712-13
I.D. 0246D(78)

SUBJECT

"LILLIAN HEIGHTS - PHASE 1", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication).

RECOMMENDATION

- a) That the Corporation of the City of Hamilton accept the sum of \$27,930.00 as cash payment in lieu of 5% dedication in connection with "LILLIAN HEIGHTS - PHASE 1", Hamilton, this being the cash requirement under Section 50 of The Planning Act.




G. S. Spencer
Commissioner of Engineering

BACKGROUND

The owners of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedures, the City and Regional staff have completed the calculations for the 5% cash payment in lieu of Parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$27,930.00

*Note: These lands are located between Upper Gage Avenue and Upper Ottawa Street, south of Rymal Road, in the Broughton East Neighbourhood, Hamilton.

 DVC: cab.
Encl.

c.c. D. J. Consoli, City Treasury
 B. Loretto, City Solicitor's Office

PLAN 62M-

CONCESSION 12 - GEOGRAPHIC TOWNSHIP OF GLANFORD
PART 1 - plan 62R

CONCESSION 12 - GEOGRAPHIC TOWNSHIP OF GLANFORD
PART 2 - plan 62R

CONCESSION 12 - GEOGRAPHIC TOWNSHIP OF GLANFORD
PART 3 - plan 62R

CONCESSION 12 - GEOGRAPHIC TOWNSHIP OF GLANFORD
PART 4 - plan 62R

CONCESSION 12 - GEOGRAPHIC TOWNSHIP OF GLANFORD
PART 5 - plan 62R

CONCESSION 12 - GEOGRAPHIC TOWNSHIP OF GLANFORD
PART 6 - plan 62R

CONCESSION 12 - GEOGRAPHIC TOWNSHIP OF GLANFORD
PART 7 - plan 62R

CONCESSION 12 - GEOGRAPHIC TOWNSHIP OF GLANFORD
PART 8 - plan 62R

CONCESSION 12 - GEOGRAPHIC TOWNSHIP OF GLANFORD
PART 9 - plan 62R

CONCESSION 12 - GEOGRAPHIC TOWNSHIP OF GLANFORD
PART 10 - plan 62R

CONCESSION 12 - GEOGRAPHIC TOWNSHIP OF GLANFORD
PART 11 - plan 62R

CONCESSION 12 - GEOGRAPHIC TOWNSHIP OF GLANFORD
PART 12 - plan 62R

CONCESSION 12 - GEOGRAPHIC TOWNSHIP OF GLANFORD
PART 13 - plan 62R

CONCESSION 12 - GEOGRAPHIC TOWNSHIP OF GLANFORD
PART 14 - plan 62R



PLAN OF:

William Heights

page one

PART OF LOT 12 - CONCESSION 1 - GEOGRAPHIC TOWNSHIP OF GLANFORD

CITY OF HAMILTON

MUNICIPALITY OF HAMILTON NORTH

SCALE
1:100
A.B. 6-4-11 0-5-1115

Quadrant
11151515 0-5-1115

Quadrant

RYNAL ROAD EAST

ORIGINAL ROAD ALLOWANCE BETWEEN GEOGRAPHIC TOWNSHIPS OF BATHURST AND GLANFORD

FORMERLY THE RYAL ROAD 1873

part 1 - plan 62R

part 2 - plan 62R

part 3 - plan 62R

part 4 - plan 62R

part 5 - plan 62R

part 6 - plan 62R

DERBY STREET

BLOCK 40

BLOCK 41

OSINGTON DRIVE

BLOCK 42

BLOCK 39

GRAYROCKS AVENUE

BROUGHTON AVENUE

part 3 - plan 62R

part 4 - plan 62R

part 5 - plan 62R

part 6 - plan 62R

part 7 - plan 62R

part 8 - plan 62R

part 9 - plan 62R

part 10 - plan 62R

LOT 12

CONCESSION 1

part 1 - plan 62R

part 2 - plan 62R

part 3 - plan 62R

part 4 - plan 62R

part 5 - plan 62R

part 6 - plan 62R

part 7 - plan 62R

part 8 - plan 62R

part 9 - plan 62R

part 10 - plan 62R

Attest: J. J. [Signature]

F O R A C T I O N

6c.

REPORT TO: S. REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER
 COMMISSIONER OF ENGINEERING

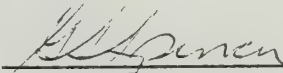
DATE: 1988 September 08
COMM FILE:
DEPT FILE: S720-20
I.D. 0246D(79)

SUBJECT

"TEMPLEMEAD NO. 1 SURVEY - PHASE 2", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication).

RECOMMENDATION

- a) That the Corporation of the City of Hamilton accept the sum of \$78,225.00 as cash payment in lieu of 5% dedication in connection with "TEMPLEMEAD NO. 1 SURVEY - PHASE 2", Hamilton, this being the cash requirement under Section 50 of The Planning Act.




G. S. Spencer
Commissioner of Engineering

BACKGROUND

The owners of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

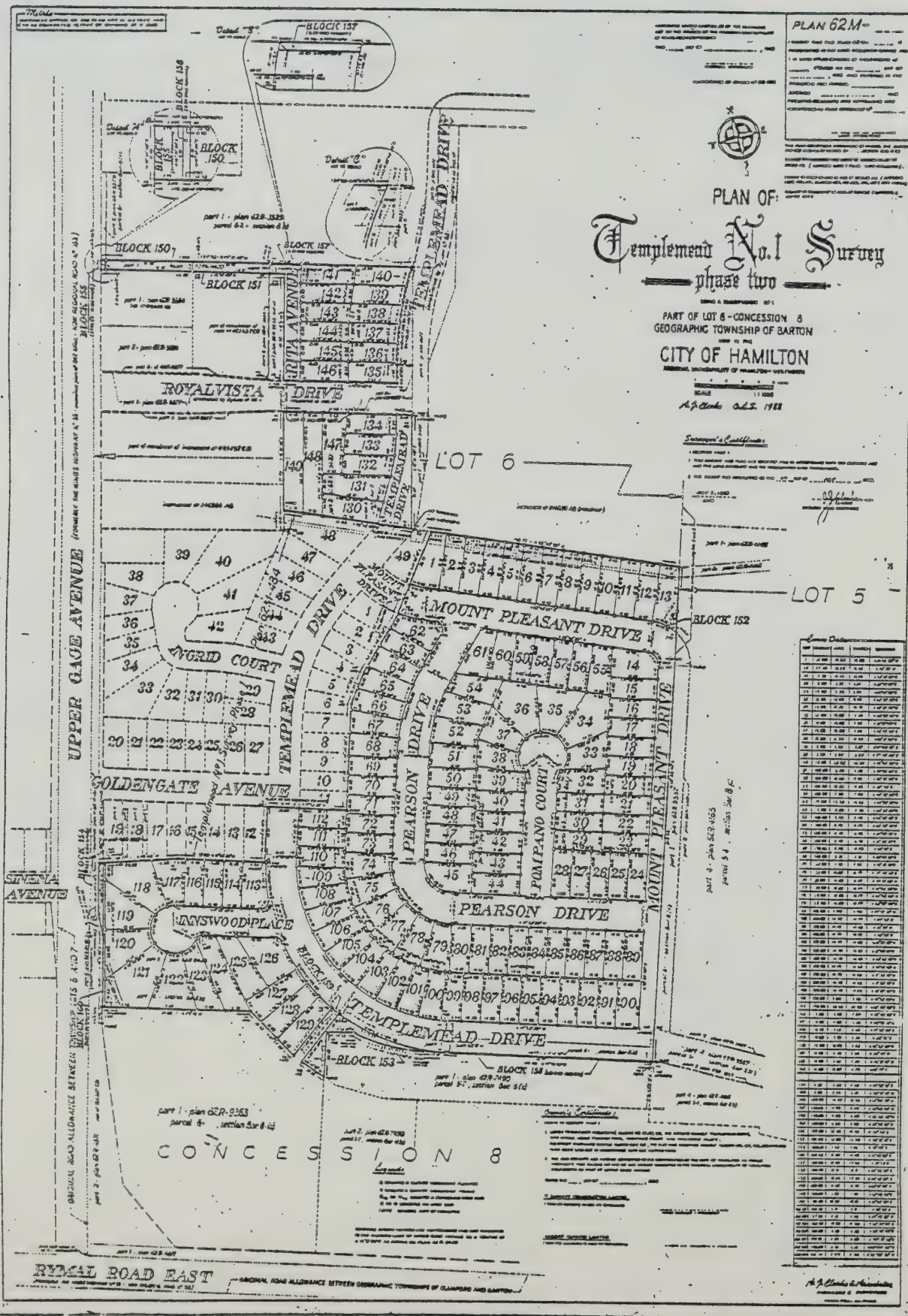
In accordance with normal City procedures, the City and Regional staff have completed the calculations for the 5% cash payment in lieu of Parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$78,225.00

*Note: These lands are located east of Upper Gage Avenue and north of Rymal Road, in the Templemead Neighbourhood, Hamilton.

 DVC:cab.
Encl.

c.c. D. J. Consoli, City Treasury
 B. Loretto, City Solicitor's Office

SCHEDULE "A"



F O R A C T I O N

6d.

REPORT TO: S. REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER
 COMMISSIONER OF ENGINEERING

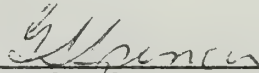
DATE: 1988 September 08
COMM FILE:
DEPT FILE: S708-53
I.D. 0246D(80)

SUBJECT

"HIGHRIDGE HILLS - STAGE 1", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication).

RECOMMENDATION

- a) That the Corporation of the City of Hamilton accept the sum of \$55,080.00 as cash payment in lieu of 5% dedication in connection with "HIGHRIDGE HILLS - STAGE 1", Hamilton, this being the cash requirement under Section 50 of The Planning Act.




G. S. Spencer
Commissioner of Engineering

BACKGROUND

The owners of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedures, the City and Regional staff have completed the calculations for the 5% cash payment in lieu of Parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$55,080.00

*Note: These lands are located east of Upper Sherman Avenue, north of Stone Church Road, in the Randall Neighbourhood, Hamilton.

 DVC:cab.
Encl.

c.c. D. J. Consoli, City Treasury
 B. Loretto, City Solicitor's Office

MEMORANDUM • CITY OF HAMILTON

REC

8.

TO : Chairman and Members of the
Planning & Development
Committee
Attn: Mrs. S. K. Reeder, Secretary

YOUR FILE: AUG 22 1988

FROM : Philip R. A. Hooker
City Solicitor's Office

OUR FILE: 40-84-2
CITY CLERKS

SUBJECT : Demolition Permit - 2825
King Street East
Building Permit for New
Development

DATE : August 22, 1988

We have received Mrs. S. Reeder's memo of August 15, 1988, copy enclosed for easy reference, in which we are asked to comment on whether the City may withhold a building permit.

It would appear that:

1. Some unapproved demolition apparently took place at 2825 King Street East.
2. There is some uncertainty as to who performed that unauthorized demolition.
3. Accordingly, a pending application for the necessary demolition permit was denied by the Committee and Council.
4. Someone, probably the owner of the same land, is now seeking a permit to build a development on the land.

In our opinion, unauthorized demolition without the necessary permit is one matter and an application for a permit necessary to legally build is another, separate matter in law.

Permits cannot be withheld arbitrarily as punishment for past, unauthorized acts of particular persons. It is not Council's role to decide and execute penalties; only the courts may do so.

I refer to The Building Code Act, R.S.O. 1980, ch. 51, as amended.

Section 3 thereof makes a municipal council responsible for the enforcement of the Act in the municipality and requires the Council to appoint a chief official and inspectors to enforce the Act where the municipality has jurisdiction. This means Council must abide by the Acts provisions.

Section 5(1) of the Act prohibits a person from constructing or causing to be constructed a building in a municipality unless a permit to do so has been obtained from the chief official.

Another way of saying this is that a person is legally required to obtain a permit from the chief official in advance of building a building in the City.

Therefore, to refuse the issuance of a permit on other than statutorily allowed grounds (discussed below) is to frustrate the applicant's attempt to comply with the law, as he is required to do, and a court would so find. The court, on a mandamus application to it for an order that the City be forced to issue the permit, would so order, with costs to the applicant and perhaps awarding damages to him, against the City as well.

What are the criteria for legally withholding a building permit applied for?

The Building Code Act, section 6(1), says

"6(1) The chief official shall (emphasis added here and below) issue a permit except where,

(a) the proposed building or the proposed construction or demolition will not comply with this Act or the building code or will contravene any other applicable law;

(b) the applicant is a builder as defined in the Ontario New Home Warranties Plan Act and is not registered under the Act; or

(c) the application therefor is incomplete or any fees due are unpaid."

The above are the only grounds for withholding a building permit applied for.

Items (b) and (c) above are self-explanatory and the chief official easily determines, on his own, whether those subsections of section 6(1) are complied with.

Note that in (a) of 6(1), the writer has underlined the word "proposed" for emphasis. "Proposed" means future or contemplated and the word modifies both the word "construction" and the word "demolition" in this sub-sub-section. Therefore, reference to the past, unauthorized demolition is excluded. This section is prospective, not retrospective in its context.

The chief official could give you various examples of possible non-compliance with the extensive building code regulation made pursuant to the Act.

"Other applicable law" could refer to many things, depending on the facts of the application, such as the provisions of the zoning by-law, 6593, as amended, By-law 85-86, made under the Act, on permits, forms, fees, required information on applications, etc. In some cases, albeit rarely, it could refer to such "other law"

as aeronautical statutes of Canada, The Niagara Escarpment Commission Act, the Expropriations Acts of Canada or Ontario, etc., etc.

If issuing the permit "will" (future word) contravene such other applicable laws to the chief official's knowledge, the permit may be denied by him.

Note that under the Act, he, as the person specifically named, not the municipal council, has the duty and power of deciding, based on his expertise and information whether the permit is to be issued or not. Council cannot legally direct him to either issue a permit or deny a permit.

Summary

1. If the demolition control by-law and Planning Act, 1983, were breached in the past by a known person by demolishing a residence without a permit and if there exists evidence to charge him in court thereunder, then following his trial, if there is a conviction, the court imposes a punishment for the violation in the form of a fine. The Planning Act, 1983 provides for a very substantial possible fine for demolishing a residential unit without a permit to do so.
2. The City is not empowered nor authorized to withhold building permits--which the law requires to be obtained for construction --as an out of court punishment or penalty to an untried, alleged offender.
3. The only proper and legal grounds for the City to withhold, delay or deny a building permit applied for are
 - insufficiency (of fees, plans, information, etc.),
 - proposed construction contravenes the Building Code Act or Ontario Building Code,
 - unregistered builder of new homes is applicant,or
 - some other existing law will be contravened if the permit is issued by the chief official, whose decision thereon governs, subject to a court's opinion to the contrary on application to it.
4. Attempts to withhold, deny or unduly delay a permit for which the application passes all required, statutory tests, will likely trigger a lawsuit against the City which would be costly, troublesome to, and most of all unwinnable by the City, according to the reported cases on the subject and past interpretations of The Building Code Act.

PRAH:cls
Encl.

c.c. Mr. L. King,
Acting Building Commissioner
c.c. Mr. R. Prowse, Acting Secretary

Philip R. A. Hooker
Philip R. A. Hooker
for K. A. Rouff
City Solicitor

MEMORANDUM • CITY OF HAMILTON

RECEIVED

TO : Mr. L. King
Acting Building Commissioner

YOUR FILE:

AUG 19 1988

FROM : Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE : LEGAL DEPARTMENT
THE CORPORATION OF
THE CITY OF HAMILTON

SUBJECT : Demolition Permit - 2825 King St. E. DATE : 1988 August 15

Please be advised that Hamilton City Council at its meeting held Tuesday, 1988 July 26th APPROVED Section 3(b) of the SIXTEENTH Report for 1988 of the Planning and Development Committee as follows:

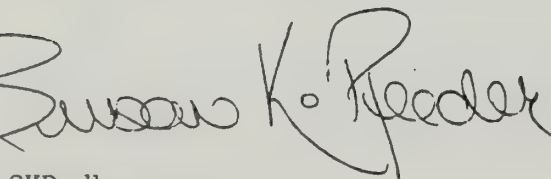
(b) That the Demolition Permit for 2825 King Street East be DENIED.

NOTE: It was agreed by the Committee that because of the unusual circumstances surrounding the demolition of 2825 King Street East, the following steps would be taken:

- i That the owner be contacted to determine his role in the demolition and that the police be requested to investigate the demolition, and
- ii That the City Solicitor's office be asked for their opinion as to whether or not the City may withhold the Building permit
- iii That the development be held back until this matter be resolved.

By copy of this letter I am advising the City Solicitor's office of the directive contained in Section (b) (ii).

Would you please ensure that the appropriate action is taken with respect to this matter.



SKR:dbm

c.c.'s. - Mr. R. Prowse, Acting Secretary
Planning and Development Committee
- Mr. R. Rouff, City Solicitor




CITY COUNCIL
HAMILTON, CANADA

10.
Alderman David Christopherson

71 MAIN STREET WEST L8N 3T4 • (416) 526-2730 • RES. (416) 561-9508 — WARD 4

MEMORANDUM:

TO: Members, Planning & Development Committee

FROM: Alderman David Christopherson 
Chairperson
Second Level Lodging House Task Force

DATE: September 8, 1988

RE: IMPLEMENTATION LOAN PROGRAMME -
SECOND LEVEL LODGING HOMES

The attached Proposed Loan Programme is part of the overall package to be proposed to the Provincial Government regarding our municipalities regulation and enforcement of Second Level Lodging Homes.

The proposal contains a request for \$958,000. funding from the province with no interest being charged, representing the Ontario Government's contribution. The 3% interest charged to the homeowners will cover our costs to administer.

I am requesting the committee approve of the programme, subject to the entire package being aproved by the Legislation Committee and City Council.

DC:nb

c.c. - Mr. E. Kowalski
Director of Community Development



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF COMMUNITY DEVELOPMENT

P.O. BOX 2040
HAMILTON, ONTARIO
L8N 3T4

TEL. 526-4540

August 1988

Implementation Loan Programme Second Level Lodging Homes

The Building Department has indicated that \$958,000. will be required to implement the new standards outlined in the new proposed Second Level Lodging Home By-law. This cost excludes any requirements needed under the Property Standards By-law 74-74 which can be financed under the existing Provincial Low-Rise Rehabilitation Programme.

The Department of Community Development would be prepared to recommend the establishment of a new loan programme to the Planning and Development Committee and City Council with the following conditions:

- the capital funding of \$958,000. be provided by another level of government. We would recommend that the Capital be provided by way of a repayable loan at 0% interest. The City would start repaying the Capital in year three (3) and on a yearly basis for another (10) ten (10) years.
- It is suggested that the money be loaned to the owners of the Second Level Lodging Home at 3% interest and amortized over ten (10) years. The City would be responsible for collection and at the end of each fiscal year would return to the Province the Capital collected under the repayable programme. The 3% would be retained by the Municipality to help offset the administration costs.
- The three (3) year lead time before the Province starts receiving recovery of Capital would allow the Municipality to implement the Programme smoothly and with a minimal impact to the Operators. This Department would suggest that when the operators renew their license that the Property be inspected under the new By-law. The owner would by this time have complied with the Property Standards By-law therefore, only the new requirements would be outstanding requirements.
- This procedure would allow the owner time to obtain estimates and obtain approval from the Municipality should they wish to apply for assistance. The money in all probability would not flow until late in the year therefore, repayments would not start flowing to the Province until the end of year three (3). The City would also return any uncommitted funds with the first payment.



Second Level Lodging Home
Continued....

- The loan to the Operators would be secured by a lien registered on Title. A Promissory Note would also be executed and held by the Municipality.
- The loans would be approved by the Planning and Development Committee and City Council.
- All costs would be approved by inspectors and only licensed contractors could be used by the owners.



THE CORPORATION OF THE CITY OF HAMILTON

526-2764

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

M E M O R A N D U M

September 1, 1988

TO: Alderman D. Christopherson

FROM: P.C. Lampman, P.Eng.

RE: Funding Requirements for Second Level Lodging House By-law -
Capital Costs

To implement the new requirements of the Second Level Lodging House By-law, it has been determined that funding of \$958,000 will be required.

There are numerous requirements which can be identified which will cause implications when the by-law is implemented. These items can be identified as follows:

(1) Schedule B, Item 2

This requirement is similar to the old by-law. Some houses may be required to replace existing grab bars with ones which are more substantial. Cost of providing these grab bars can vary from \$50.00 to \$200.00.

(2) Schedule B, Item 16

This is a requirement for the provision of natural ventilation. Hardship may occur where some houses do not have existing ventilation. This may mean that certain spaces within homes may have to be provided with mechanical ventilation systems. The cost of these systems can vary considerably. Cost can vary from \$100.00 for the installation of a small exhaust fan to \$5,000.00 for a supply and return heating and ventilation system.

(3) Schedule B, Item 17

This is a requirement which addresses window provisions.- This may affect some basement recreation rooms, dining rooms and sitting rooms. It may mean that rooms will have to be modified and/or changed to comply with the window requirements. There can be major cost implications with this item if natural light cannot be easily obtained. Minimum cost would involve the installation of a window at a cost of \$600.00, but could be considerably higher if window wells around basement rooms are required or if rooms have to be modified to incorporate other rooms which can provide the natural light.

(4) Schedule B, Item 18

This requirement is new and is not in the existing by-law. It is very important with respect to fire rescue. There are major implications by applying this requirement retroactive. Costs would be \$600.00 per bedroom in a lodging house for the installation of a window complying with the by-law.

(5) Schedule B, Item 19

This is a new requirement from the Ontario Building Code but can be provided at minimal cost. Guards can be installed at a maximum of \$50.00.

(6) Schedule B, Item 34

This is a new requirement from the Ontario Building Code and may require modifications to some existing handrails. Costs can vary from \$5.00 per linear foot to \$20.00 per linear foot for the installation of new handrails to comply with this requirement. Total cost can vary anywhere from \$60.00 to \$500.00 per lodging house.

(7) Schedule B, Item 36

This is a new requirement from the Ontario Building Code and may require modifications to some existing handrails. Costs can vary from \$5.00 per linear foot to \$20.00 per linear foot for the installation of new handrails to comply with this requirement. Total cost can vary anywhere from \$60.00 to \$500.00 per lodging house.

(8) Schedule A, Item 27

This item deals with restrictions on the installation of combustible finish materials. The cost of applying fire retardant paint periodically would be minimal.

September 1, 1988

(9) Schedule A, Item 29

This item requires the installation of a fire-rated ceiling or sprinklers in furnace rooms. Installation of drywall would cost from \$200.00 to \$500.00. Provision of a sprinkler system, if an adequate water supply is available, would cost from \$500.00 to several thousand dollars.

(10) Schedule A, Item 31

This requirement will necessitate the upgrading or replacement of most bedroom entry doors in existing houses. The cost for replacing a door if it cannot be suitably upgraded would be about \$400.00 per door. This cost would include a new frame, new door and associated hardware.

(11) Schedule A, Item 32

This requirement could represent a significant cost if it is applicable. This requirement would require installation of a fire separation within large floor areas and would increase the time for evacuation during a fire. The cost of implementing this item is not determinable.

(12) Schedule A, Item 33

This will require the installation of a latch device on doors which do not presently have suitable hardware. Listed hardware for a fire door would cost approximately \$150.00 per door.

(13) Schedule A, Item 50(1)(b)

This item may require the installation of additional fire alarm pull stations. Significant costs could be incurred for a house when many additional pull stations are required. If this was to occur the entire fire alarm system would have to be upgraded. The cost of a new fire alarm panel would be at least \$5,000.00.

(14) Schedule A, Item 50(1)(c)

This will require the installation of smoke detectors in bedrooms and will have cost implications for homes accommodating eleven or more residents. The cost of providing smoke detectors and/or modifying existing fire alarm systems can vary widely from \$30.00 to \$400.00 per unit.

The cost of applying the physical requirements of Schedules A, B, and C can be approximated if it is assumed that all items have to be complied with. Based on preliminary estimates, a figure of \$871 per bed was calculated. If this figure is applied to all 1,100 beds licensed under the Second Level Lodging House By-law, then total funding required is:-

$$1,100 \text{ beds} \times \$871/\text{bed} = \$958,100$$

RECEIVED

WOOLLEY, DALE & DINGWALL
BARRISTERS & SOLICITORS

AUG 5 - 1988

CITY CLERKS

DONALD W.M. COOPER, Q.C.
JOHN H. RODD, Q.C.
KENNETH A. LUND, Q.C.
W. DIETER LESSMANN, Q.C.
J. DAVID McPHAIL, Q.C.
T. DOUGLAS BRADY
WILLIAM T. PERKS, C.A.
WILLIAM A. DOYLE
TERENCE A. McNALLY
DAVID E. MENDE
PATRICIA PHELAN
GEORGE T. WISNIEWSKI
FELECIA M. SMITH
THOMAS S. KENT
IAN C. MARSHALL

LOUIS GUOLLA, Q.C.
DOUGLAS C. WOOLLEY, Q.C.
ROBERT E. DALE, Q.C.
P. JAMES V. STEVENS, Q.C. P.Eng.
RICHARD D. HOWELL
W. ANDREW McLAUCHLIN
DAVID E. CLARK
S. MICHAEL BROOKS
KENNETH G. HOOD
DENNIS A. TRINAISTICH
EDWIN G. UPENIEKS
CATHERINE FLANAGAN
R. DAVID BENSON
ALEXANDER C. SENNECKE
KENT A. SAVAGE

COUNSEL: RODNEY HULL, Q.C.
LOUIS A. STRAUSS

T. PAUL O'GORMAN, Q.C.
WILLIAM G. DINGWALL, Q.C.
CARL M. SOLOMON
JOHN W.C. MACFARLANE, Q.C.
GORDON L. HILL, Q.C.
SUZANNE I.R. HANSON
WILLIAM A. KNIGHTS
PAUL R. TRETHEWEY
C. EDWARD GODDARD
ANDREW GURLESKY
DOUGLAS G. SMITH
DEBORAH L. SCIME
SCOTT D. CONOVER
DANIEL L. LAW
JILLIAN D. SEXSMITH

COMMERCIAL UNION TOWER
TORONTO-DOMINION CENTRE
SUITE 2000 • BOX 65
TORONTO, ONTARIO M5K 1E7
TELEPHONE (416) 863-1000
TELEX: 06-22640
CABLE: WODAST TORONTO
FAX: (416) 369-7800

DIRECT DIAL 369- 7878

August 4, 1988

DELIVERED

Mayor R. Morrow and
Members of Council
City of Hamilton
71 Main Street West
HAMILTON, Ontario
L8N 3T4

Dear Mayor Morrow and Members of Council:

Re: Dan Management Limited
on Behalf of 645437 Ontario Limited
Application for Amendments to
Official Plan and Zoning By-Law
Proposed Restaurant and Tavern
986-998 Upper Wentworth Street
City of Hamilton, File No. ZA-87-119

We are solicitors for Dan Management Limited and 645437 Ontario Limited in connection with the above matter.

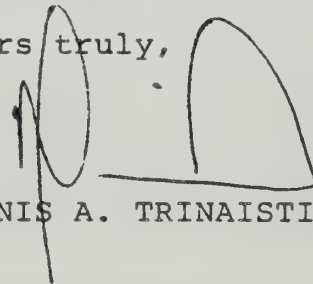
We are writing at this time with respect to Council's recent action in approving an application to amend the City's Zoning By-Law and Official Plan to permit a restaurant use on property located at numbers 849 and 853 Upper Wentworth Street. (Reference: Zoning Application ZA-86-62, Joyce and Ernest Monkley).

It is our client's view that Council has not been fair and consistent in its actions. We are therefore requesting that Council reconsider its previous refusal of our client's application to permit a restaurant and tavern use on the property located at 986-998 Upper Wentworth Street. We can see no planning reason to justify the Council's arbitrarily different disposition of two such similar applications, within such close proximity of one another.

As you may know we have filed appeals with the Ontario Municipal Board with respect to your Council's refusal of our client's application. We intend to put forward this related action of Council at our client's appeal hearing. If your Council is inclined to reconsider its position in this matter, we request that Council schedule a meeting at which time we would appreciate appearing as a delegation in this regard.

Thanking you in advance for your cooperation, we look forward to hearing from you with respect to this matter.

Yours truly,

A handwritten signature in dark ink, appearing to read "Dennis A. Trinaistich". The signature is stylized with a large, sweeping loop on the right side and a vertical line on the left.

DENNIS A. TRINAISTICH

DAT:kl

CC: E.A. Simpson, Clerk ✓

FOR ACTION

12.

REPORT TO: ALDERMAN JOHN SMITH, CHAIRMAN
AND ALDERMAN DON ROSS, WARD ALDERMAN
OF THE PLANNING AND DEVELOPMENT
COMMITTEE

DATE:

COMM FILE: -
DEPT FILE: DA-87-61
(ZA-86-17)
Falkirk West
Neighbourhood

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SEP 7 1988

SUBJECT:

Site Plan Control Application DA-87-61 for a commercial-residential complex at the south-west corner of Upper Paradise Road and Stone Church Road West.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-61 by Arosa Properties Limited, owner, of lands at the south-west corner of Upper Paradise Road and Stone Church Road West for a commercial-residential complex containing 138 condominium apartment units and approximately 1444.5 m² of retail gross floor area, subject to the following:

- a) modification to the plan related to notes, landscaping parking and dimensions as marked in red on the plans;
- b) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department;
- c) submission of a revised site plan and related changes to grades and landscaping to incorporate a revised access driveway design to the satisfaction of the Director of Traffic Services; and,
- d) approval by the Committee of Adjustment for the following variances:
 - i) reduction of the required rear and side yards from 12.8 m to 11.4 m.
 - ii) increase in the height of the building from 8 storeys to 9 storeys.
 - iii) provision of a portion of the required landscaping to be located on the top floor which is not overlooked by a residential use.



Victor J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND

Plans have been submitted for a nine storey commercial-residential complex to be located at the south-west corner of Upper Paradise Road and Stone Church Road West. The complex will consist of one floor of retail area of about 1445 m² (15,554 sq.ft.) and seven floors for 138 condominium apartment units. The ninth floor will consist of a recreation area and landscaped roof top area.

A total of 198 parking spaces will be provided as surface and underground parking.

Various modifications are required on the plan related to dimensions and notes and are marked in red on the plans.

The Traffic Department has advised that the main access to Stone Church Road West should be redesigned as marked in red on the plans. The site plan and related changes to grading and landscape plans should be modified accordingly.

The Hamilton-Wentworth Engineering Department has advised that all shrub plantings should be located within the property and located in consideration of maintaining adequate visibility from all access driveways. The owner should obtain the appropriate approvals for tree plantings within the road allowance or the trees relocated to be within the property. It has also been noted that a revised grading plan should be submitted to provide additional information and revisions to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.

The development also proposes the following variances which must be submitted to the Committee of Adjustment for approval:

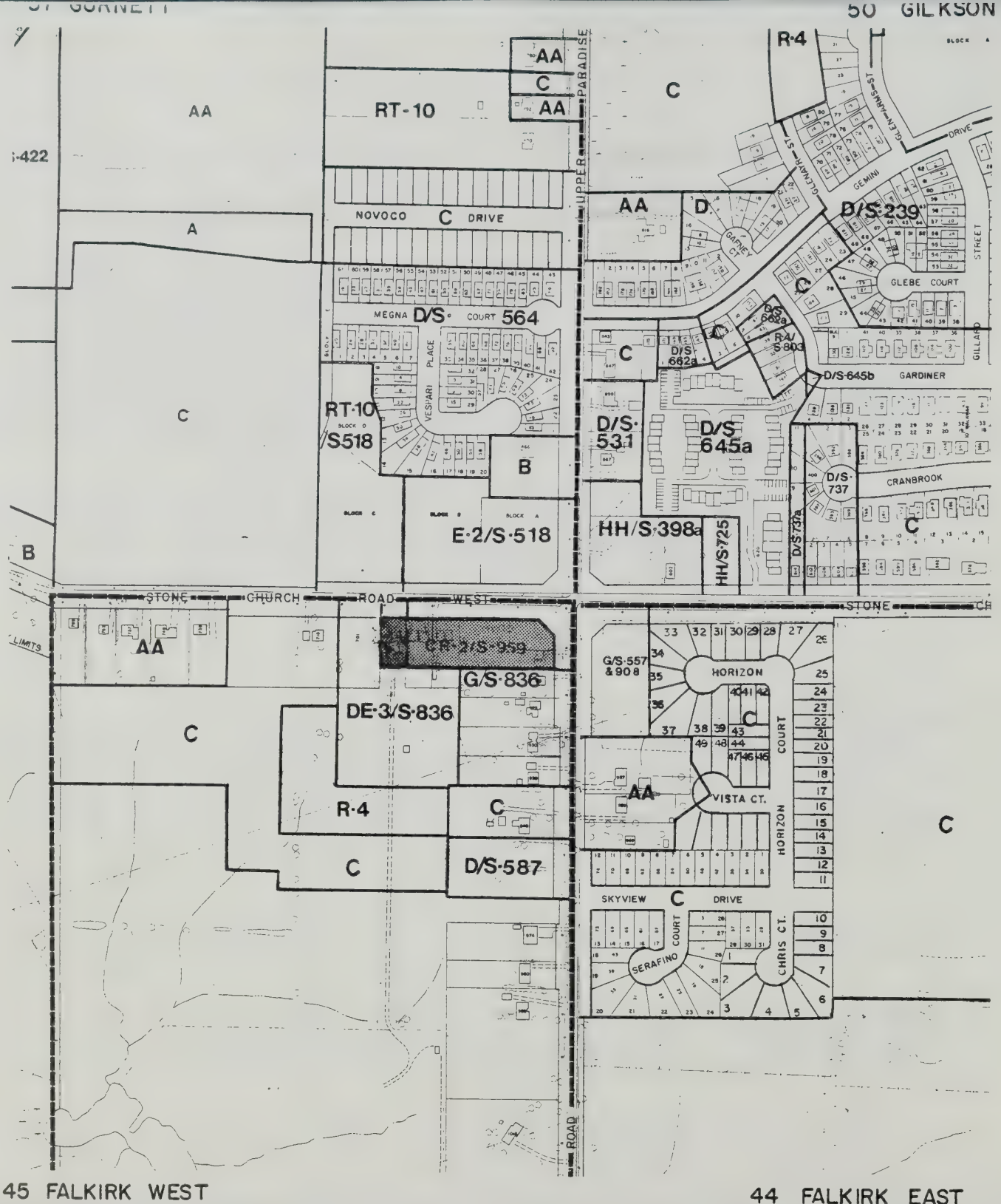
- i) a reduction in the required rear and side yards from 12.0 m to 11.4 m;
- ii) an increase in the height of the building from 8 storeys to 9 storeys;
and,
- iii) provision of a portion of the required landscaping to be located on the top floor which is not overlooking by a residential use.

The variance are a result of providing some of the amenity space for the residences on the roof level of the structure. The exercise room and related facility are located on a small portion of the ninth floor as shown on the plan, thus increasing the height of the building and the required yards. The proposed variances are minor in nature and can be supported.

It should be noted that By-law No. 88-13 concerning the subject property was considered by the Ontario Municipal Board at a meeting held on June 22, 1988 to deal with a matter involving the dimensions of the overall property. Although the Chairman verbally dismissed the appeal, the formal order in writing has not as yet been received.

JPS/ma

WP0415P



45 FALKIRK WEST

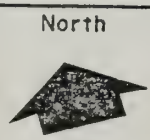
44 FALKIRK EAST

PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-61

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

 SITE OF THE APPLICATION



Scale
1:5,000

Date
JUNE, 1987

Reference File No.
DA-87-61

Drawing No.
87-H-61

FOR ACTION

13.

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 August 24
COMM FILE:
DEPT. FILE: ZA-88-24
Butler Neighbourhood

SEP 7 1988

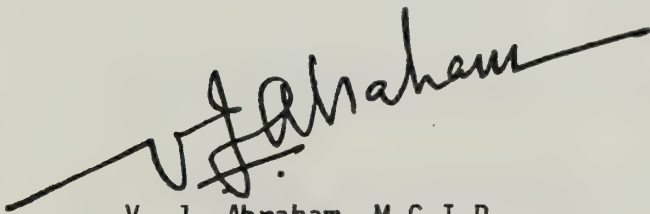
SECOND REPORT

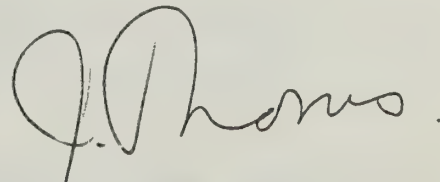
SUBJECT:

An amended application requesting a change in zoning - north side of Rymal Road East between Upper Wentworth Street and the Hydro Right-of-Way.

RECOMMENDATION

- (a) That amended Zoning Application 88-24, Arthur Weisz, owner, requesting a change in zoning from the "AA" (Agricultural) District to the "G-1" (Designed Shopping Centre) District for property located on the north side of Rymal Road East between Upper Wentworth Street and the Hydro Right-of-Way, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:
- i) The proposal conflicts with the intent of the Official Plan and the approved Butler Neighbourhood Plan which designate the lands for "Residential" use.
 - ii) It would set a precedent for future similar applications.
 - iii) There is an adequate supply of commercially designated/zoned land in the surrounding area to serve the needs of the residents in the neighbourhood.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.,
Commissioner
Planning & Development

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Planning and Development Committee

At its meeting of August 17, 1988, the Planning and Development Committee directed that the subject application, as amended, be circularized for a Public Meeting for the September 14, 1988 Committee Meeting.

- Proposed Development

The applicant has amended the application and proposes to develop a retail shopping plaza having between 9,290 m² (100,000 sq. ft.) and 13,935 m² (150,000 sq. ft.) of floor space on approximately 4.8 ha (12 ac.) of land.

- Zoning Application 81-29

A previous zoning application (i.e. 81-29 The Effort Trust Co.) was submitted for lands located along Rymal Road East at the intersections of both Upper Sherman Ave. and Upper Wentworth Street, including part of the subject lands, requesting a similar change in zoning from the "AA" (Agricultural) District to the "G-1" (Designed Shopping Centre) District.

At its meeting of June 17, 1981, the Planning and Development Committee directed that the application be circularized. A Public Meeting was held with respect to the application on September 30, 1981. The Committee decided to table the zoning application and directed the Planning Department staff to undertake a complete review of the Butler Neighbourhood Plan, carefully examining the supply of commercial land already designated in the area as well as the proposed schedule of servicing.

The file was eventually closed in July 1984.

- Secondary Plan Commercial Design Standards

The purpose of the "Secondary Plan Commercial Design Standards" report was as follows:

- to review the characteristics of the existing commercial facilities on the Mountain; and,
- to provide a set of standards to assist the neighbourhood planning process in the allocation of future commercial areas in neighbourhood plans.

The study culminated with the adoption of O.P.A. #7 which was approved by the Ministry of Municipal Affairs and Housing on April 15, 1985. O.P.A. #7 introduced a number of design standards to guide the neighbourhood planning process in the distribution of Shopping Centres. The preferred locations of each type of Shopping Centre (i.e. Community Shopping Centre; Neighbourhood Shopping Centre; and Convenience Shopping Centre) are illustrated on Schedule "B-2" of the Plan (see APPENDIX "C"). It should be noted, that the subject lands are not so designated.

APPLICANT

Arthur Weisz, owner.

LOT SIZE AND AREA

The subject property has approximately:

- 356.46 m (1,169.5 feet) of frontage along Rymal Road East;
- 133.8 m (439 feet) of frontage along Upper Wentworth Street; and,
- 4.8 ha (12.0 acres) of lot area.

LAND USE AND ZONING

	<u>Existing Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the North	Vacant	"AA" (Agricultural) District
to the South	Vacant and single-family dwellings	"AA" (Agricultural) District
to the East	Vacant, hydro corridor and single-family dwellings	"AA" (Agricultural) District
to the West	Vacant, barn and dwelling unit	"AA" (Agricultural) District

OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The proposal does not comply with the intent of the Plan and would require a site specific amendment to redesignate the lands to "COMMERCIAL".

Schedule "B-2" - Other Special Policy Areas of the Plan identifies the preferred location of various types of Shopping Centres for the Hamilton Area south of the proposed freeway. The subject property is not identified for any type of shopping centre. Given the proximity of the site to other identified areas and the lack of a demonstrated need for the proposal, it conflicts with the intent of the Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated for "Single and Double" Residential, "Attached Housing" and "Low Density Apartments" in the approved Butler Neighbourhood Plan, the proposal does not comply. Approval of the application would require an amendment to the plan to redesignate the lands to "Commercial", and other related amendments.

HAMILTON-WENTWORTH OFFICIAL PLAN

The subject lands are within the "Urban Policy Areas" and identified as "Residential and Related Uses" on Map No. 1 of the Hamilton-Wentworth Official Plan.

The proposal would not conflict with the intent of the Plan, provided it does not exceed approximately 23,000 m² (250,000 sq. ft.) of gross leasable retail / commercial floor space.

RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:

- Trans Canada Pipelines;
- Building Department;
- LACAC; and,
- The Hamilton Region Conservation Authority.

- The Traffic Department has advised as follows:

"The proposed development would eliminate the midblock collector street that is intended to provide future signalized access to the neighbourhood from Rymal Road. It would also require significant changes in the road pattern shown in the approved neighbourhood plan. We recommend that any development of the subject lands, whether in accordance with the neighbourhood plan or not, include this midblock collector street.

The completed development, as proposed, will generate peak hour traffic volumes that will warrant roadway improvements such as separate left turn lanes on both Upper Wentworth Street and Rymal Road.

Specific comments regarding the detailed design of the access, parking and layout of the proposed development will be provided at the site plan control stage of development, should the application be approved."

- The Hamilton-Wentworth Department of Engineering has advised as follows:

"A municipal water supply is available.

Sewer service to the area is to be available for part of the site this year and the remainder likely in a year or two.

Road widening will be required on both Upper Wentworth Street and Rymal Road but these can be dealt with at the site plan stage.

Additional traffic studies on co-ordinating this development with road construction and on cost sharing for these works will be undertaken in the future if the zoning is approved.

The proposed land use is completely contrary to the approved Neighbourhood Plan. We, therefore, recommend that the application, if not denied, be tabled for a review of the neighbourhood plan, and the required official plan studies.

It is essential that this application be dealt with in the near future because the sewer construction proposed for later this summer will likely have to be changed if the zoning is approved."

COMMENTS

1. The proposal does not comply with the Official Plan and, if approved, would require an amendment to redesignate the subject lands from "RESIDENTIAL" to "COMMERCIAL".
2. The proposal does not comply with the approved Butler Neighbourhood Plan and would require an amendment to redesignate the subject lands to "Commercial", and related amendments to the Neighbourhood Plan.
3. The proposal can not be supported for the following reasons:
 - it conflicts with the intent of the Official Plan;
 - it conflicts with the intent of the approved Butler Neighbourhood Plan which designates the lands for "Residential" Uses (i.e. Single and Double, Low Density Apartments, and Attached Housing);

- as illustrated by APPENDIX "B", there is an adequate supply of commercially designated/zoned land in the surrounding area to serve the needs of the residents of the neighbourhood.

For example, there is a 3.41 ac. block of commercially zoned land ("G-1") located approximately 300m (1,000 ft.) north of the subject property, on the west side of Upper Wentworth Street; a 6.0 ac. block of commercially zoned land ("G-1") located approximately 457m (1,500 ft.) east of the subject property, on the northeast corner of Upper Sherman Avenue and Rymal Road East; a 2.0 ac. block of commercially designated land located approximately 1,372 m (4,500 ft.) northeast of the subject property at the southeast corner of Upper Sherman Avenue and Stone Church Road East; and a 1.9 ac. block of land to be zoned "G-1" Commercial (pending Council approval) located opposite the subject property on the northwest corner of Upper Wentworth Street and Rymal Road East;

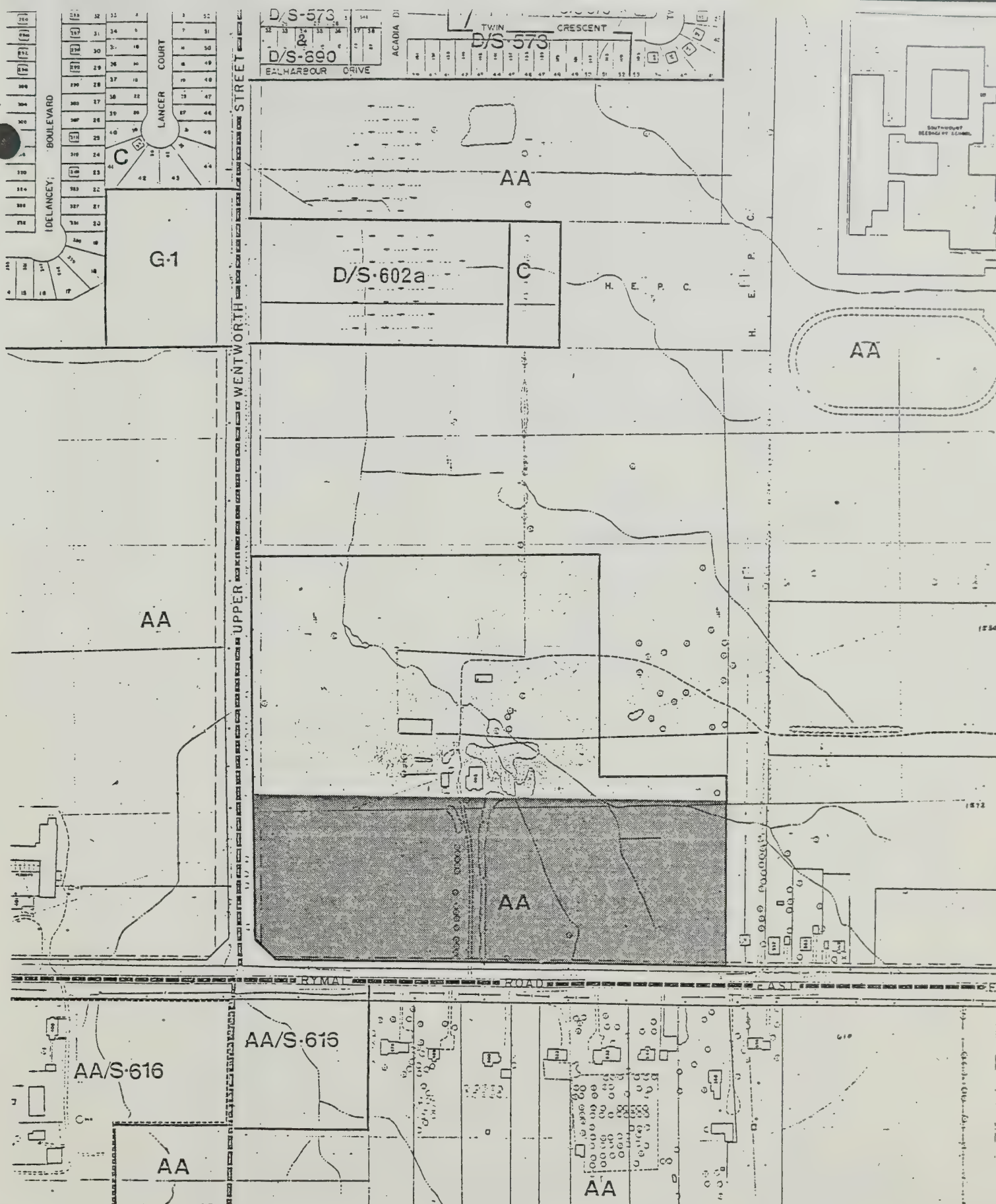
- the applicant has not justified the need for additional commercial land; and,
- it would set a precedent for future similar applications.

CONCLUSION

On the basis of the foregoing, the application can not be supported.

PDM:bk/dkp

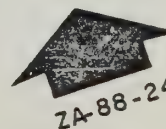
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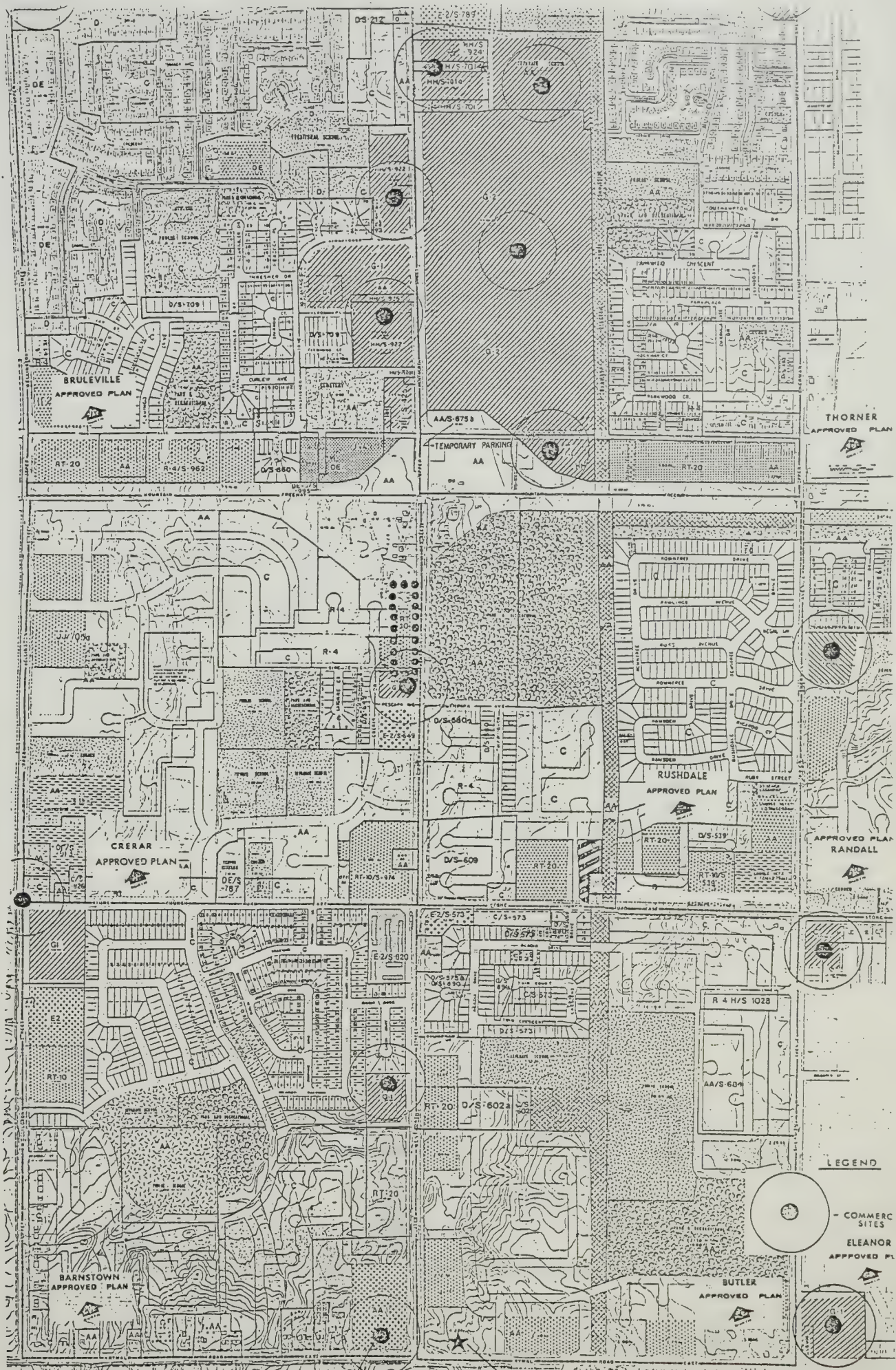


LEGEND



SITE OF THE APPLICATION





PENDING COUNCIL
APPROVAL

SITE OF
APPLICATION

legend

refer to policy A.2.2.8(iii)
and D.2.5(x)(a)
Community Shopping
Centre

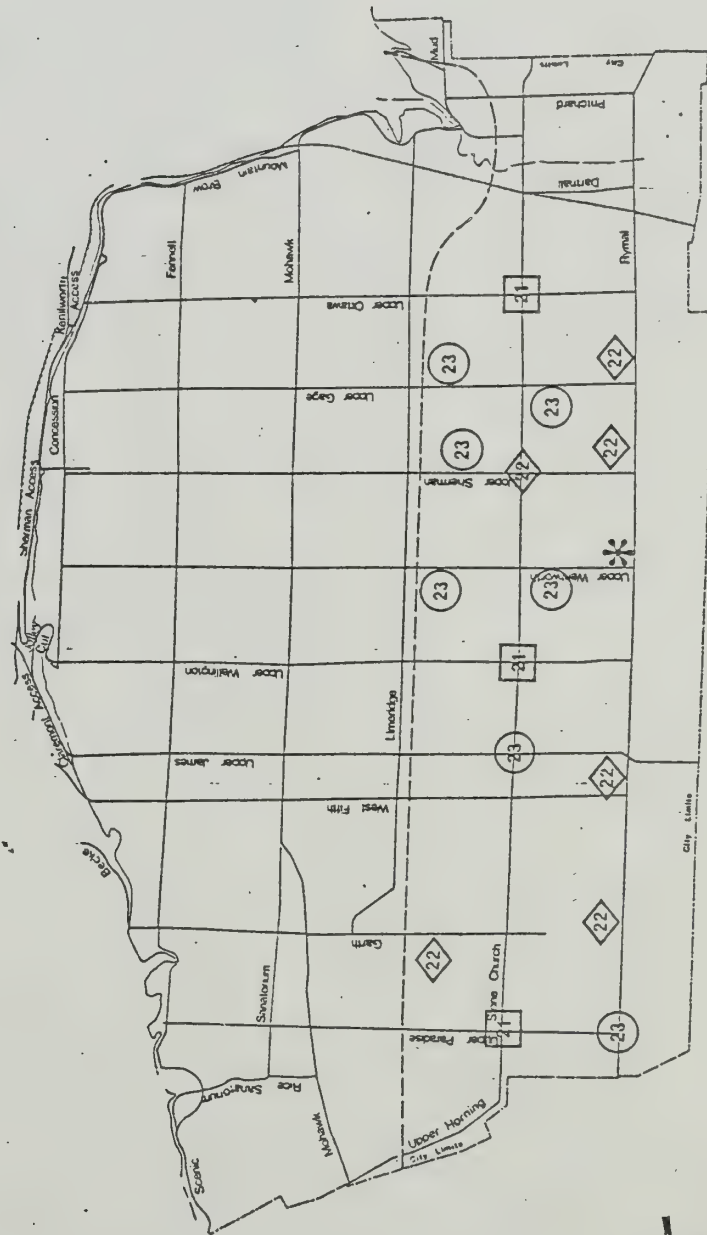
refer to policy A.2.2.8(iv) and D.2.5(x)(b)
Neighbourhood Shopping
Centre

23 refer to policy A.2.2.8(v) and D.2.5(x)(c) Convenience Shopping Centre

* Site of the Application

to the official plan
for
the city of hamilton

September 1986



CA4 ON HBL AOS
C51 P4

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON


OFFICE OF THE CITY CLERK

1988 September 22

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1988 September 28
2:00 o'clock p.m.
Room 233, City Hall

URBAN MUNICIPAL
SEP 23 1988
GOVERNMENT RECORDS


Susan K. Reeder
Secretary

SKR:dbm

A G E N D A

1. Minutes of the meeting held Wednesday, 1988 August 17.

BUILDING COMMISSIONER

2. Demolition Permit Applications.

DIRECTOR OF COMMUNITY DEVELOPMENT

3. Ontario Home Renewal Programme - Registration of Loan on Tax Rolls.
(Private & Confidential)

DIRECTOR OF PROPERTY

4. Extension of Commencement and Completion Dates of Construction - City Sale Part 2, Plan 62R-8631, being part of Lot 36, Plan M-277 to 732303 Ontario Limited.

COMMISSIONER OF ENGINEERING

5. Lot Grading - Strawberry Hills.

LICENCE COMMITTEE

6. Establishment Licences.

DIRECTOR OF LOCAL PLANNING

7. Draft Plan of Condominium SA-88-03, Fairhill Developments Ltd., owner, for property located on the south side of Brucedale Avenue east of Upper James Street; Centre Mount Neighbourhood.
8. Draft Plan of Subdivision SA-88-04, Lousan Developments, owner, to establish a draft plan of subdivision east of Upper Wentworth Street and north of Rymal Road; Butler Neighbourhood.
9. Draft Plan of Condominium SA-88-15 (25CDM-88006), Arm-Orn Properties, Ltd., owner for property located on the north side of Bigwin Road west of Pritchard Road; Hannon North Neighbourhood.
10. Proposed Draft Plan of Subdivision, "Aquino Gardens", south of Stone Church Road East, west of Upper Sherman Avenue.
11. Strathcona Neighbourhood Plan Amendment Re: Locke Street South - Authorization for public meeting. (P5-2-127)
12. Proposed Amendment No. 42 to the Niagara Escarpment Plan. (D.8.1.)
13. Review of Application Fees. (CI-83-B)

ZONING APPLICATIONS - PUBLIC MEETING

3:00 P.M. - COUNCIL CHAMBERS

3:00 p.m.

14. Zoning Application ZA-88-53, F. Fontana, owner, for the rear part of property located at No. 832 West Fifth Street; Gourley Neighbourhood.
15. Zoning Application ZA-88-54, the Roman Catholic Episcopal Corporation of the Diocese of Hamilton, owner, for a strip of land at the rear of No. 125 Centennial Parkway North; Kentley Neighbourhood.
16. Zoning Application ZA-88-43, 642388 Ontario Inc. (L. Harbottle) owner, for property municipally known as NO. 224 Stone Church Road West; Gourley Neighbourhood.

3:15 p.m.

17. Zoning Application ZA-88-59, Casper, owner, for property at No. 1221 Stone Church Road East; Trenholme Neighbourhood.
18. Zoning Application ZA-87-121, Ortega Properties Limited, prospective owner, for property located at No. 181 Victoria Avenue South; Stinson Neighbourhood.
 - (a) Letter - Mr. & Mrs. Jordan, 8 Webber Avenue.
 - (b) Letter - Mr. & Mrs. Burbulevic, 19 Webber Avenue.
 - (c) Letter - Miss Pearl Jones, 27 Webber Avenue.
 - (d) Letter - M. Watson, D. MacFarlane, 17 Webber Avenue.
19. Zoning Application ZA-88-52, 660555 Ontario Limited (M. Maravich), prospective owner, for a strip of land between Upper Gage Avenue and Rita Avenue in the area south of Stone Church Road East; Templemead Neighbourhood.

3:30 p.m.

20. Zoning Application ZA-88-49, A. Lombardi, L. Moning, E. Nagy, M. A. Webb, L. Mammoliti; F. Merone and B. Bodnar, owners for properties at Nos. 843, 836, 840, 844, 848 Upper Wentworth Street and No. 106 Fieldway Drive; Bruleville Neighbourhood.
 - (a) Letter - Mrs. & Mrs. Arney, 13 Blackthorne Avenue.
21. Zoning Application ZA-88-60, L. and M. DeSordo, owners, for property at No. 205 Nebo Road; Rymal Neighbourhood.

3:45 p.m.

22. Zoning Application ZA-88-64, Hamilton General Homes (1971) Limited, owner, for property on the north side of Stone Church Road East and west of the Hydro Right-of-Way; Rushdale Neighbourhood.
- (a) Letter - David A. Eliot, Solicitor representing T. Valeri Construction Limited.
 - (b) Letter - Mr. & Mrs. Phillips, 142 Rushdale Drive.
23. Zoning Application ZA-88-88, Dynacare Health Group Inc., owner, for property at No. 85 Robinson Street; Durand Neighbourhood.
(Report to Follow)
- (a) Letter - Mutual Life of Canada.
 - (b) Letter - Mrs. M. Harris, 44 Robinson
 - (c) Letter - Mr. & Mrs. Duncan, 85 Charlton Avenue West.
 - (d) Letter - Mr. G. S. Morrow, 72 Charlton Avenue West.
 - (e) Letter - Mrs. Farley, 200 Park Street South.
 - (f) Letter - Mrs. Gillan, 33 Robinson Street.
 - (g) Letter - Mr. & Mrs. Millar, 49 Robinson Street.

4:30 p.m.

24. Central Area Plan Official Plan Amendment. (P5-4-7-9)
(Report to Follow)
25. Other Business.
26. Adjournment.

Wednesday, 1988 August 17
2:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman D. Ross, Vice-Chairman
Mayor Robert M. Morrow
Alderman D. Christopherson
Alderman H. Merling
Alderman T. Cooke
Alderman D. Agostino

Regrets: Alderman B. Hinkley - Civic Business
Alderman W. McCulloch - Civic Business

Also present: Alderman R. Wheeler
Alderman P. Cowell
Alderman J. Gallagher
Alderman G. Copps
Mr. V. Abraham, Director of Local Planning
Ms. J. Hickey, Planning Department
Mr. A. Georgieff, Planning Department
Mr. P. Lampman, Building Department
Mr. L. Harvey, Building Department
Mr. M. Watson, Real Estate Division
Mr. J. Robinson, Community Development Department
Mr. E. Kowalski, Director of Community Development
Ms. M. Germann, Building Department
Mr. J. Schwarz, Regional Planning Department
Mr. J. Sakala, Planning Department
Mr. R. Brenner, Regional Engineering Department
Ms. L. Lawrence, City Solicitor's Office
Mr. P. Baker, General Manager, Parking Authority
Mr. D. Carson, Mayor's Office
Mr. R. Karl, Traffic Department
Mr. J. Zipay, Planning Department
Mr. H. Yeghouchian, Planning Department
Mr. P. Mallard, Planning Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meetings held Wednesday, 1988 June 15th (evening session) and Wednesday, 1988 July 13th. The Committee agreed to APPROVE these minutes.

The Committee received an added item from Mayor Morrow who requested that the Committee consider at its next meeting the restrictions with respect to parking for some commercial developments in the City. The Mayor referred specifically to Section 18(A)(36) of the Zoning By-law No. 6593.

The Committee agreed that a staff report on this matter be forwarded to the September 14th meeting of the Planning and Development Committee for consideration. It was specifically indicated that the report should be information only, not recommendations.

The Committee was in receipt of a report from the Building Commissioner dated 1988 August 10 regarding Demolition Permit Applications.

Ms. Germann of the Building Department indicated to the Committee that a building had recently been demolished without a permit and pointed the Committee to 945 West 5th Street.

General discussion ensued on this and it was indicated to the Committee by Ms. Germann that the applicant had in all honesty thought that their application was their permit and proceeded to demolish the building. The applicant fully acknowledges that they did do the demolition. The applicant is building another building on the site. Ms. Germann indicated that in view of the above that they were recommending approval of the demolition permit application.

Minutes -
1988 June 15
(evening.)
1988 July 13.

Restrictions -
Parking -
Commercial
Developments.

Demolition Permit
Applications.

Unauthorized
demolition -
945 West 5th.

Petition to
Province -
demolition control.

It was indicated to the Committee that City Council has petitioned the Province to implement some mechanism to ensure that persons do not demolish or cause to be demolished buildings without a building permit.

Alderman Smith also indicated that there is a need for a time limit to be imposed on demolition permits in order to ensure that buildings in a run down condition are not allowed to remain up for long periods of time.

The Committee then APPROVED the following:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following properties:

- (a) 100 Parkdale Avenue North
- (b) 220 Caroline Street South
- (c) 1472 Main Street East
- (d) 1884 Main Street West
- (e) 159 Hunter Street East
- (f) 163 Hunter Street East
- (g) 13-1/2 Picton Street West
- (h) 6 Community Avenue
- (i) 49 Glassco Avenue South
- (j) 945 West 5th Street
- (k) 140 Pritchard Avenue
- (l) 53 Beach Road
- (m) 409 Sherman Avenue North

Inspection and
Enforcement
Second Level
Lodging House
By-Law.

The Committee agreed to LIFT FROM THE TABLE an item dealing with inspection and enforcement by the Building Department re Second Level Lodging House By-Law.

The Committee was in receipt of an added report from the Building Commissioner dated 1988 July 5 respecting the above-noted matter.

The Committee then APPROVED the following:

- (a) That the Building Commissioner be authorized to allow staff to work overtime to implement the funding available under expansion of the Low-Rise Provincial Loan Programme to lodging and rooming houses and that all overtime work be done in accordance with the Collective Agreement, and;
- (b) That in order to implement the Programme, the cost of overtime be offset by the administrative fees generated from the Programme and that these funds be deposited in the Salary and Wages account of the Building Department, and;
- (c) That the hiring of one building inspector to perform the inspections required under the Proposed New Second Level Lodging House By-law BE APPROVED, but that the filling of the position be held until such time as the By-law becomes effective.

Designated
Property Grant.

The Committee was in receipt of a Private and Confidential report from the Director of Community Development dated 1988 August 8 respecting a Designated Property Grant.

The Committee APPROVED the following:

That a Designated Property Grant in the amount of \$1 550 BE PROVIDED to Mr. F. Ian Bailey, 455 Bay Street North.

1987 Audited
Statements and
Annual Report -
St. Matthews House.

The Committee was in receipt of a report from the Director of Community Development dated 1988 July 13 respecting Landsdale Neighbourhood Improvement Programme, 1987 Audited Statements and Annual Report for St. Matthews House.

The Committee then APPROVED the following:

That the attached Audited Financial Statement and Annual Report for 1987 for St. Matthews House BE ADOPTED.

The Committee was in receipt of a report from the Director of Community Development dated 1988 August 10 respecting a Commercial Facade Loan Programme.

Commercial Facade
Loan Programme.

The Committee APPROVED the following:

That a Commercial Facade Loan in the amount of \$12 230 BE APPROVED for Mario Paolone, owner of 417 Barton Street East.

NOTE: The interest rate will be 4.5 percent, amortized over 10 years.

The Committee was in receipt of a report from the Manager of Purchasing dated 1988 July 13 respecting the purchase of Two Ticket Issuing Machines.

Purchase - Two
Ticket Issuing
Machines - Downtown
Hamilton Action Plan.

Mr. Peter Baker of the Parking Authority was in attendance at the meeting and discussion ensued on this recommendation. The Committee requested information on why funds are coming from the Downtown Hamilton Action Plan Account rather than the Parking Authority Account.

It was moved by Alderman Ross, seconded by Alderman Christopherson and carried that this matter be TABLED until later in the meeting for further discussion on funding.

At this point the meeting adjourned to the Council Chambers to hear Zoning Applications.

Adjourn to
Council Chambers.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 July 28 respecting proposed land use designation changes within the Templemead Neighbourhood.

Land Use -
Templemead
Neighbourhood.
and,
Subdivision
Application 85-11,
east and north of
proposed Independence
Drive, involving
a proposed
Separate School site.

The Committee was also in receipt of a report from the Commissioner of Planning and Development dated 1988 July 14 respecting proposed Draft Plan of Subdivision "Templemead No.2 - Phase VIII" as well as a request for a change in zoning.

Report of the circularization was given as follows:

141 notices sent 5 in favour 0 opposed

Mr. Joe Riccin, 306 Templemead Avenue (388-9269) spoke to the Committee for a request on clarification of this matter. He added that he feels there would be a need for a school in the future and the Director of Local Planning advised that a school will be built when need determines it.

The Committee then APPROVED the following recommendation:

- (a) That the Templemead Neighbourhood Plan BE AMENDED as shown on attached Plan 1, attached herewith and marked APPENDIX "A".
- (b) That APPROVAL be given to Subdivision Application 85-11, R. Shelley Construction & Seebeck Construction Co., owners, to establish a draft plan of subdivision east and north of proposed Independence Drive involving a proposed Separate School Site, subject to the following conditions:
 - (i) That this approval apply to the plan prepared by A. J. Clarke & Associates, dated 1985 June 4, revised to show minor lot line changes, 34 lots, two blocks for future development and a cul-de-sac.
 - (ii) That the street be dedicated as public highway on the final plan.
 - (iii) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iv) That the final plan conform with the Zoning By-law approved under the Planning Act.

- (v) That the owners convey 5% of the land included in the plan to the City of Hamilton for park purposes, pursuant to the provisions of The Planning Act. This condition can be fulfilled by accepting the conveyance of Blocks "35" and "36" for park purposes.
 - (vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vii) That the owners provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (viii) That the owners shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (ix) That this plan of subdivision not receive final approval before road access and municipal services are available from abutting lands.
 - (x) That the owners agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (c) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-85-11), R. Shelley Construction Ltd. and Seebeck Construction Co. Ltd., owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

The Committee APPROVED the following with respect to the associated Zoning Application.

That APPROVAL be given to Zoning Application 88-37, Robert Shelley Construction Ltd., and Seebeck Construction Co. Ltd., owners, for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, for property located in the area west of Silverton Drive and north of Nina Court, as shown on the attached map marked as APPENDIX "B", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49 for presentation to City Council.
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (d) That the Templemead Neighbourhood Plan be amended by redesignating the subject lands from "Civic and Institutional" to a "Single and Double" residential land use designation.

NOTE: The purpose of the By-law is to provide for a change in zoning of the subject lands from "AA" (Agricultural District) to "R-4" (Small lot Single-Family Detached) District. The effect of the By-law is to permit development of the subject lands for "small lot" single-family dwellings.

Zoning Application
88-37 - west of
Silverton Drive
and north of
Nina Court.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 July 28 respecting Zoning Application 88-44, for property at 866 Upper Paradise Road.

Zoning
Application 88-44 -
866 Upper Paradise
Road.

Report of the circularization was given as follows:

187 notices sent 5 in favour 8 opposed

Mr. John Hacker, 54 Vespari Place spoke to the Committee. He indicated that 15 of his neighbours are opposed to this application and submitted a petition.

Mr. MacDonald, 83 Vespari Place spoke to the Committee. He indicated that the area is already congested. He added that the lot has insufficient depth for development similar to those already established. He added that the land has not been maintained in the past.

The agent representing the owner of the property was in attendance and questioned why the previous objectors had not objected at the Land Division Hearing. The objectors indicated that they were not advised until the sign had been posted.

General discussion ensued on traffic manoeuvring in Vespari Place Court.

It was then moved by Alderman Merling, seconded by Alderman Cooke and carried to APPROVE the following recommendation:

That APPROVAL be given to Zoning Application 88-44, D. Alessandrino, owner, requesting a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single family dwellings, for the property located at No. 866 Upper Paradise Road, as shown on the attached map marked as APPENDIX "C", on the following basis:

- (a) That the subject lands be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District.
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37c for presentation to City Council.
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District for the property located at No. 866 Upper Paradise Road.

The effect of the By-law is to permit development of the subject lands for single family dwellings.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 July 29 respecting a change in zoning for the property at No. 12 Ray Street South.

Zoning
Application 88-55 -
12 Ray Street South.

Report of the circularization was given as follows:

417 notices sent 17 in favour 7 opposed

Mr. William Seibel, the owner of No. 10 Ray Street South (mailing address: 175 Broker Drive - 389-2401) spoke in opposition to this application. He sited the limited parking presently available.

The Committee was in receipt of a petition of objection containing three signatures as well as a letter from Mr. James C. Nemestalvi dated 1988 August 10 in opposition to the application. The Committee was also in receipt of a letter of objection from Mr. and Mrs. C. Horvath dated 1988 August 16th in objection in opposition to the application.

The applicant for the re-zoning spoke to the Committee and said that once zoning is approved that she plans to excavate property to comply with providing the required parking spots. She added that her clients would not park on the boarding house property next door owned by Mr. Seibel.

General discussion then ensued on this matter and the Committee APPROVED the following recommendation:

That APPROVAL be given to a further amended Zoning Application 88-55, Regina Pirro, owner, requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, to "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified to permit the conversion of the existing building for uses such as business offices, hair dressing establishment, photography studio and/or art studio, etc. for the property located at No. 12 Ray Street South, as shown on the attached map marked as APPENDIX "D", on the following basis:

- (a) That the amending by-law apply to the holding provisions of Section 35(1) of the Planning Act RSO 1983 to the subject lands by introducing the holding symbol 'H' as a suffix to the "E-1" District.
- (b) That the subject lands be rezoned from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "E-1" - 'H' (Multiple Dwellings, Lodges and Clubs, etc.) District.
- (c) That the holding provision ('H') be removed by City Council once adequate on-site parking has been provided.
- (d) That the "E-1" (Multiple Dwellings, Lodges and Clubs, etc.) District regulations as contained in Section 11A be modified to include the following variance as a special requirement:
 - 1.) That notwithstanding Section 11A(1)(ii) professional offices shall not be permitted.
- (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1090, and that the subject lands on Zoning District Map W-2 be notated S-1090;
- (f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-2 for presentation to City Council;
- (g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning area.

NOTE: The purpose of this by-law is to provide for a modification to the "E-1" - 'H' (Multiple Dwellings, Lodges, Clubs, etc.) District for the property located at No. 12 Ray Street South.

The 'H' refers to a holding symbol which will prohibit conversion of the building until adequate parking is provided on-site.

The effect of this by-law is to permit the conversion of the existing building for such uses as a business office, art studio, photographer's studio, etc. Professional offices are not permitted.

It was agreed that when the Site Plan is received that the Planning Department will notify Mr. Seibel in order that he has an opportunity to come in to City Hall to view this plan.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 August 9 respecting City Initiative 88-E, for lands located on the west side of Centennial Parkway North, between the Q.E.W. and Confederation Drive.

Alderman Wheeler spoke briefly on this matter and indicated that he is opposed.

It was then moved by Alderman Ross, seconded by the Mayor and carried to APPROVE the following recommendation:

- (a) That APPROVAL be given to Official Plan Amendment No. 63 to redesignate Block "1" from "Open Space" to "Commercial" and to remove the subject lands, in their entirety, from Special Policy Area 10, and the City Solicitor be directed to prepare a by-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth for submission to City Council.
- (b) That APPROVAL be given to City Initiative 88-E requesting changes in zoning from "AA" (Agricultural) District and "KK" (Restricted Heavy Industrial) District to "F" (Special Waterfront) District, modified, to permit the development of the subject lands for a tourist information centre, hotel and accessory commercial uses, for the lands located on the west side of Centennial Parkway North, between the Q.E.W. and Confederation Drive, as shown on the attached map marked as APPENDIX "E", on the following basis:
 - (i) That Block "1" be rezoned from "AA" (Agricultural) District to "F" (Special Waterfront) District;
 - (ii) That Block "2" be rezoned from "KK" (Restricted Heavy Industrial) District to "F" (Special Waterfront) District;
 - (iii) That the "F" (Special Waterfront) District regulations as contained in Section 12 of the Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
 - 1.) Notwithstanding Section 12.(1), the following additional commercial uses shall be permitted in conjunction with the hotel:
 - (a) tavern;
 - (b) retail stores;
 - (c) personal service stores;
 - (d) banquet hall;
 - (e) conference/meeting rooms;
 - (f) outdoor patio.
 - (iv) That Sections 18.(11) (a) and (b) of Zoning By-law No. 6593 shall not apply to the subject lands;
 - (v) That the yard and parking requirements of Section 3.(3) (xiv) and Section 12.(3) shall not apply to the existing power transmission lines.
 - (vi) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1089, and that the subject lands on Zoning District Maps E-101, E-102, and E-111 be notated S-1089;
 - (vii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps E-101, E-102, and E-111 for presentation to City Council.

C.I.88-E., west side of Centennial Parkway North, between the Q.E.W. and Confederation Drive.

(viii) That the proposed change in zoning will be in conformity with:

- 1.) The Regional Official Plan when Regional Official Plan Amendment No. 34 is approved by the Minister of Municipal Affairs; and
- 2.) The City of Hamilton Official Plan when Official Plan Amendment No. 63 is approved by the Regional Municipality of Hamilton-Wentworth.

- (c) That Schedule "A" of Site Plan Control By-law 79-275, as amended by-law No. 87-334 be amended by adding the subject lands, as shown on the attached map marked as APPENDIX "F".

NOTE: The purpose of this by-law is to provide for changes in zoning for the lands located on the west side of Centennial Parkway North between the Q.E.W. and Confederation Drive, on the following basis:

- (a) Block "1" - Change in zoning from "AA" (Agricultural) District to "F" (Special Waterfront) District, modified;
- (b) Block "2" - Change in zoning from "KK" (Restricted Heavy Industrial) District to "F" (Special Waterfront) District, modified.

The effect of the by-law is to permit the development of the subject lands for a tourist information centre, hotel, and accessory commercial uses.

In addition, the By-law provides for the following variances as special requirements:

- (a) to permit the following commercial uses in addition to other permitted uses:
 - (i) tavern;
 - (ii) retail stores;
 - (iii) personal service stores;
 - (iv) banquet hall;
 - (v) conference/meeting rooms;
 - (vi) outdoor patio.
- (b) to permit the outdoor patio from the capacity provisions (50 people or 50% of the capacity, whichever is greater).
- (c) to exempt the outdoor patio from the locational provisions which prohibits outdoor patios adjacent to residential districts.

C.I.88-H.,
467 Beach
Boulevard.
(Bell Cairn School.)

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 August 15 respecting a City Initiative 88-H, for property at 467 Beach Boulevard (Bell Cairn School).

Report of the circularization was given as follows:

78 notices sent	6 in favour	2 opposed
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Mr. Watson, 399 Beach Boulevard spoke to the Committee in opposition to this application. He indicated that he is a six year resident of the Beach and added that the Bell Cairn School has gym facilities which could be used for community activities. He questioned whether there would be a need for a school in the future. He asked that this matter be deferred until such time as the future of the Beach is determined and feels that another community would better serve the Province's needs.

Mr. Camero, 669 Beach Boulevard and 404 Beach Boulevard added that he had made application to re-zone the property of 404 Beach Boulevard to commercial and was told that this area is on freeze and under special study. He added that he is a four year Beach resident. He indicated that the sewers going into the Beach area will encourage home building and that a need for a school may occur in the future. He feels that saying that a school will never be needed on the Beach is premature.

Mr. Hobbs, 238 Sierra Lane spoke in opposition to the application and sited the parking impact this development would have.

The President of the Beach Preservation Committee and the owner of property at 913 Beach Boulevard spoke to the Committee. He indicated that he agrees that the Province be allowed to use Bell Cairn School and that if this did not work out that he would like to see the City buy the school from the Board of Education for community use. He hopes that the gym could possibly be made available to the community by the Province. He indicated that many of the local children would not go to Bell Cairn School if it were opened as many of them go to either French Immersion or Separate Schools and that the present busing system for children is quite satisfactory.

It was then moved by Alderman Agostino, seconded by Alderman Merling and carried to APPROVE the following recommendation:

- (a) That APPROVAL be given to Official Plan Amendment No. 61 to redesignate the subject lands from "Open Space" to "Major Institutional" and to remove them from "Special Policy Area 10", and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That APPROVAL be given to City Initiative 88-H to modify the established "C" (Urban Protected Residential, etc.) District, to permit the conversion and expansion (construction of living quarters) of the existing school building for use as a Staff Education Facility for the Government of Ontario, for lands located at No. 467 Beach Boulevard (Bell Cairn School), as shown on the attached map marked as APPENDIX "G", on the following basis:
 - (1) That the "C" (Urban Protected Residential, etc.) District Regulations as contained in section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
 - 1.) Notwithstanding Section 9.(1.)(iv), a school, including a dormitory, for use as a Staff Education Facility by the Government of Ontario, shall be permitted within the existing building and any expansion thereof.
 - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1088, and that the subject lands on Zoning District Map E-80D be notated S-1088;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-80D for presentation to City Council;
 - (iv) That the proposed change in zoning will be in compliance with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 61 by the Regional Municipality of Hamilton-Wentworth;

- (c) That Schedule "A" of Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223 be amended by adding the subject lands thereto.

NOTE: The purpose of the by-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations for property at No. 467 Beach Boulevard (Bell Cairn Memorial School).

The effect of the By-law is to permit the conversion and expansion (construction of living quarters) of the existing school building, for use as a Staff Education Facility, for the Government of Ontario.

Zoning Application
88-09,
17 Chipman Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 July 29 respecting Zoning Application 88-09, for property at 17 Chipman Avenue.

Report of the circularization was given as follows:

65 notices sent 6 in favour 6 opposed

The Committee was in receipt of a petition in opposition to this application from residents on Chipman Avenue. The owner of property at 25 Chipman Avenue spoke in opposition to this application.

The owner of property at 65 Chipman Avenue also spoke in opposition to the application.

Many other residents from the community were in attendance.

The applicant then spoke to the Committee on his application.

It was then moved by Alderman Merling, seconded by Alderman Cooke and carried to DENY the application as follows:

That Zoning Application 88-09, Ernesto and Norma Estrabillo, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, for vacant property municipally known as No. 17 Chipman Avenue, as shown on the attached map marked as APPENDIX "H", BE DENIED for the following reason:

- (a) The proposal is premature, pending finalization of the proposed Jerome Neighbourhood Plan.

Zoning Application
88-34 -
1000 Upper Gage
Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 August 8 respecting Zoning Application 88-34, for property at 1000 Upper Gage Avenue.

Report of the circularization was given as follows:

176 notices sent 6 in favour 42 opposed

The Committee was in receipt of a petition signed by approximately 400 signatures in opposition to this application.

The Committee was also in receipt of another petition signed by approximately 250 persons in opposition to this application.

The owner of the property at 1015 Upper Gage Avenue, Unit 6 spoke to the Committee in opposition to this application and sited the petition.

The owner of property at No. 10 Churchill Avenue spoke to the Committee with numerous objections to the proposal.

The applicant then spoke to the Committee and asked for approval of his application.

It was then moved by Alderman Merling, seconded by Alderman Agostino and carried to DENY this application as follows:

That Zoning Application 88-34, J. Greenbaum, owner, requesting a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations to permit a bingo hall (public hall) in addition to other permitted uses, for property located at No. 1000 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "I", BE DENIED for the following reasons:

- (a) The proposed use is not consistent with the intent of the "G" (Neighbourhood Shopping Centre, etc.) District.
- (b) It would set a precedent for future similar applications.
- (c) It may contribute to on-site and/or off-site parking conflicts.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 August 3 respecting Zoning Application 88-41, for property on the west side of Garth Street in the area north of Rymal Road.

Report of the circularization was given as follows:

146 notices sent	5 in favour	31 opposed
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The Committee was in receipt of a petition signed by numerous persons from the area in opposition to the application.

The Committee was in receipt of a letter of objection from Mr. and Mrs. A. DiRenzo, 1550 Garth Street, Unit 27A dated 1988 August 5.

The Committee was in receipt of a letter of objection from Mr. and Mrs. Ferguson, 85 McIntosh dated 1988 August 5 in opposition to this application.

The Committee was in receipt of a letter of objection from Mr. J. Parkinson, 477 Rymal Road West in opposition to this application.

The Committee was in receipt of a letter of objection from Ms. Singh, dated 1988 August 12th.

The Committee was in receipt of a letter from the applicant asking that this item be deferred. The Committee then discussed the applicant's request and decided to proceed with hearing this zoning application.

Mr. David Goldberg, a representative of the abutting property owners spoke in opposition to this application and indicated that this in an incredibly over-intensification on a large scale.

The representative of residents at 1455 Garth Street spoke to the Committee and expressed great opposition to this application and submitted a petition.

Numerous other persons were in attendance at this meeting.

Zoning Application 88-41. - west side of Garth Street in the area north of Rymal Road.

The Committee then agreed to DENY this application as follows:

That Zoning Application 88-41, Corrado Development Corporation, prospective owner, requesting changes in zoning from the "AA" (Agricultural) District and the "B-2" (Suburban Residential) District to the "E-2" (Multiple Dwellings) District, to permit the future development of 1,000 multiple dwelling units (townhouses and/or apartments) and 6 single-family dwelling units on property located on the west side of Garth Street in the area north of Rymal Road, as shown on the attached map marked as APPENDIX "J", BE DENIED for the following reasons:

- (a) The proposed multiple family development conflicts with the intent of the approved Falkirk East Neighbourhood Plan which designates the subject lands for "Single and Double Residential" uses.
- (b) It would set a precedent for future similar applications.
- (c) It would be incompatible with existing and future intended uses in the surrounding area.

Zoning Application
88-24 - north-
east corner of Upper
Wentworth Street
and Rymal Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 August 9 respecting Zoning Application 88-24, for land at the north-east corner of Upper Wentworth Street and Rymal Road East.

General discussion ensued on this matter and the fact that this application was not circularized in the usual notification process.

The Committee directed that the above-noted Zoning Application BE TABLED until the first meeting in September and that the usual circularization process be undertaken.

Zoning Application
88-40 -
1379-1383
Upper James Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 August 8 respecting Zoning Application 88-40, for property at 1379-1383 Upper James Street.

The Committee was in receipt of an objection from Mr. Robert J. Morris, 1452 Upper James Street dated 1988 July 28th.

It was moved by Alderman Merling, seconded by Alderman Cooke and carried to APPROVE the following recommendation:

- (a) That APPROVAL be given to Official Plan Amendment No. 60 to redesignate the rear portion of the lands municipally known as Nos. 1375 to 1417 Upper James Street (inclusive) from "Residential" and "Open Space" to "Commercial" and to extend Special Policy Areas 31 and 31b to correspond with the "Commercial" designation and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That APPROVAL be given to Zoning Application 88-40, J. and A. Riccio Developments Ltd., owner, requesting changes in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified, to permit the development of the subject lands for a proposed 1 storey 2787 m² (30,000 sq.ft.) plaza containing retail and warehouse commercial uses, for the properties located at Nos. 1379-1383 Upper James Street, as shown on the attached map marked as APPENDIX "K", on the following basis:
 - (i) That the amended By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. 1983 to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until municipal sewers are installed.

Removal of the holding restriction shall be conditional upon the installation of municipal sewers serving the subject lands and passage of an amending By-law. City Council may remove the 'H' symbol, and thereby give effect to the "HH" provisions as stipulated in this By-law by enactment of an amending By-law once municipal sewers have been installed.

- (ii) That Block "1" be rezoned from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District.
- (iii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District.
- (iv) That the "HH" Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of the Zoning By-law No. 6593 be modified to include the following variance as a special requirement:
 - 1.) That notwithstanding Section 14A(1)(c) and Section 14(1)(xvii), the storage of goods to be manufactured, assembled or sold may occupy a maximum of 50% of the floor area.
 - 2.) That notwithstanding Section 14A(3)(a) a front yard of a depth of at least 24.0 m shall be provided.
- (v) That a minimum 3.0 m wide planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the easterly rear lot line and the southerly side lot line.
- (vi) That a minimum of 1.5 m wide planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the northerly side lot line where it adjoins a residential district.
- (vii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1091, and that the subject lands on Zoning District Map be notated S-1091;
- (viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council.
- (ix) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Amendment No. 60 by the Regional Municipality of Hamilton-Wentworth.

NOTE: The purpose of this By-law is to provide for changes in zoning for the properties located at Nos. 1379-1383 Upper James Street on the following basis:

- (a) Block "1" Change in zoning from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial District, modified;
- (b) Block "2" Change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial, etc.) District, modified.

The amending By-law applies the holding provisions (as denoted by the 'H' suffix) of Section 35(1) of the Planning Act to the subject lands. This provision will prohibit the development of the lands until municipal sewers are installed. Once the sewers are available, City Council may remove the 'H' symbol by passing the amending By-law.

The effect of this By-law is to permit the development of the subject lands for a proposed retail plaza having a gross floor area of approximately 2,787 m² (30,000 sq.ft.) and containing retail and warehouse commercial uses.

In addition, the By-law provides for the following variances as special requirements.

- (a) permits storage of goods to occupy a maximum of 50% of the floor area which may be used for storage purposes whereas 25% is currently permitted;
- (b) requires a 3.0 m wide landscape strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained along the easterly rear lot line, and southerly side lot line.
- (c) requires a minimum 1.5 m wide planting strip and visual barrier not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained along the northerly side lot line where it adjoins a residential district; and
- (d) requires a minimum 24.0 m building setback from the front lot line.

Rental Housing
Protection Act
Application
- 61 East
Avenue South.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 August 4 respecting a Rental Housing Protection Act Renovation Application for property at 61 East Avenue South.

Mr. and Mrs. MacDonald, residents of the building spoke to the Committee and expressed concern at the potential increased rates and loss of their apartment.

The Committee then APPROVED the following:

That the application for renovation of 61 East Avenue South, under the Rental Housing Protection Act BE DENIED, since it may reduce the supply of affordable rental housing.

Site Plan Control
Application
DA87-107 -
12 Lotus Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 July 19th respecting Site Plan Control Application DA87-107 for an addition and modifications to the existing building (Second Level Lodging Home) for ten residents at 12 Lotus Avenue.

The Committee then APPROVED the following recommendation:

That approval be given to Site Plan Control Application DA87-107 by Sulekha Vishwas Vagal, owner of lands known as 12 Lotus Avenue for an addition and modifications to the existing building for a Second Level Lodging Home for 10 residents subject to the following:

- (i) Approval of the By-law to permit the proposed development in accordance with the approval of Zoning Application 87-18.
- (ii) Modification to plans in relation to note dimensions and landscaping as marked in red on the plan.
- (iii) Submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Department of Engineering.

The following additional recommendation was APPROVED by the Committee and forwarded to City Council:

That in regards to Zoning Application 87-18 that Item No. 4 of the Eighth Report for 1987 of the Planning and Development Committee adopted by City Council on 1987 April 28, BE AMENDED by adding the following:

- (a) that two parking spaces be permitted to be located in the front yard.

NOTE: In processing the Site Plan Control Application for the proposed development, the detailed design established an additional variance to permit two parking spaces to be located in the front yard which should be established as part of the By-law.

The Committee requested that the Bill for this Zoning Application be forwarded to the next meeting of City Council simultaneously with the above-noted recommendation.

The Committee reconsidered the report of the Manager of Purchasing dated 1988 July 13 respecting Two Ticketing Issuing Machines and APPROVED the following recommendation:

That a purchase order be issued to J. J. MacKay Canada Ltd., London in the amount of \$25 273.33 for the supply and delivery of Two Ticket Issuing Machines for the Community Development Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Only tender received. Funds provided in Downtown Hamilton Action Plan Phase IV Account #0405-A97015.

There being no further business the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1988 August 17

Two Ticketing
Issuing Machines,
Downtown Hamilton
Action Plan Phase IV.

Adjournment.

FOR ACTION

2.

REPORT TO: THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: P. KUPPE, BUILDING COMMISSIONER

DATE: September 21, 1988

COMM. FILE:

DEPT. FILE:

SUBJECT:

DEMOLITION

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following properties: -

- A. 120 Pritchard Road
- B. 129 Pearl Street North
- C. 66 Frederick Avenue

That the Committee table the following applications: -

- A. 57 Napier Street
- B. 43 Caroline Street North

FINANCIAL IMPLICATIONS: N/A


BACKGROUND:

For background information see attached sheets.

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
A.	120 Pritchard Road	S.F.D.	East-West Freeway Corridor	44' X 217.45'	City of Hamilton	"AA"	It is recommended that Committee approve demolition.
B.	129 Pearl Street N.	S.F.D.	Multiple Dwelling	46.91' X 63.87'	Jubilee Consul.	"E-S/481"	It is recommended that Committee approve demolition.
C.	66 Frederick Ave.	S.F.D.	S.F.D.	25.00' X 99.41'	Ben Hanco	"D"	It is recommended that Committee approve demolition.



P.C. Lampman, P. Eng.
Manager of Plan Examination

FOR ACTION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1988 September 13
COMM FILE:
DEPT FILE: 20.1.284
(2738)

SUBJECT: ~~for~~ Extension of Commencement
and Completion Dates of Construction - City Sale
Part 2, Plan 62R-8631, being part of Lot 36, Plan M-277
To: 732303 Ontario Limited

SEP 15 1988

RECOMMENDATION:

The Real Estate Division of the Property Department respectfully recommends that the Offer to Purchase the lands of The Corporation of the City of Hamilton, being composed of Part 2, Plan 62R-8631 being part of Lot 36, Plan M-277, duly executed on October 13, 1987 by the Purchaser 732303 Ontario Limited and approved by City Council on November 10, 1987, Item 12 of the 21st Report of the Planning & Development Committee, be amended as follows:-

- "(a) that 732303 Ontario Limited be transferred to Sergio Lauretani, and
- (b) that the commencement of construction date be extended from August 1st 1988 to November 1st 1988, and
- (c) that the completion of construction date be extended from August 1st, 1989 to November 1st, 1989, and
- (d) that all other terms and conditions of the agreement shall remain the same and time is of the essence."


D. W. Vyce

FINANCIAL IMPLICATIONS: - N/A

BACKGROUND:

This department has received a request from Mr. Jack S. Restivo, Solicitor for the owner to transfer the property from 732303 Ontario Limited to Sergio Lauretani, the sole shareholder and Director of 732303 Ontario Limited, advising that this transfer will result in more favourable financing for the proposed building. As a result, an extension of the commencement and completion dates of construction is also required. We concur in this request.

c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor

F O R A C T I O N

5.

REPORT TO: MS. S. REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER,
 COMMISSIONER OF ENGINEERING

DATE: 1988 09 16
COMM FILE:
DEPT FILE: S719-38
ID#0244D (48)

SUBJECT

Strawberry Hills - Lot Grading

RECOMMENDATION

That consideration be given to take no action to enforce the original grading plan in Strawberry Hills Subdivision's agreement between the City and Dundurn Construction Co. Ltd., dated July 26, 1985.

G. S. Spencer

G. S. Spencer
Commissioner of Engineering

BACKGROUND

Strawberry Hills Subdivision is a registered plan of subdivision in the east end of the City of Hamilton which was developed in 1985 and 1986. Attached is a copy of the plan.

All grading in the subdivision has been completed satisfactorily except the grading in the vicinity of lots 5,6,7,22 and 23. The difficulty at this location is one (1) owner's dislike of a retaining wall which is partly on her land and partly on the property behind her.

The original grading plan between lot 6 and the property to the rear of lot 6 envisioned a slope between the 2 lots with lot 6 being at the bottom of the slope. However, the owner of the land to the rear of lot 6 decided to build a retaining wall in order to achieve a flatter back yard.

Continued ...

- page 2 -
September 16, 1988

Strawberry Hills - Lot Grading

Continued ...

This work was done with the consent of the subdivider but without prior amendment of the grading plan. This new retaining wall did not alter the direction of the drainage, nor did it contravene the concept of the original grading plan. It, however, did alter the appearance of the land as viewed from lot 6. The owner of lot 6 is objecting to this on the grounds that she was informed that the land would be sloped without the wall when she purchased it.

There are no reasons to justify the denial of an amendment to the original grading plan which would legalize the aforementioned retaining wall if this wall was completely off the lot 6 lands. Unfortunately, the people building the retaining wall constructed it such that the face of the wall encroaches from 0 to 15mm into lot 6. It has been City practice not to approve such encroachments, ie: amendments to a grading plan without the written consent of the lands involved which in this case would be the owners of lot 6 which are Mr. & Mrs. Walduda. These owners are refusing to agree to such an amendment.

Staff has explained the above to Mrs. Walduda and her lawyer and also explained to them the City's practice of normally requiring the owner's signature. In the absence of the Walduda's consent, the land owners to the rear of lot 6 should relocate the wall by 15mm. These people appear to be reluctant to do the work a a mere 15mm encroachment.

It is staff's opinion that the legal costs of enforcing the original Grading Plan and requiring the removal of the retaining wall, are not justified nor required having regard to the fact tht the new drainage pattern is satisfactory. Further, the miniscule encroachment of the retaining wall does not really require any action on the City's part for drainage purposes.

KAB:tlj
Attach.

cc: D. Powers
City Legal Department

FOR ACTION

6.

REPORT TO: Mrs. Susan Reeder, Secretary
Planning & Development Committee

FROM: S. J. Dembe, Secretary
Licence Committee

DATE: 1988 Sept 20
COMM FILE:
DEPT FILE:

SUBJECT: Establishment Licences

RECOMMENDATION:

1. That the Building Department be directed to carry out inspections of all establishment licence applications.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

These inspections may require additional staff by the Building Department.

BACKGROUND

The City of Hamilton Licence Committee at its meeting held September 15, 1988 gave approval to the above mentioned request. This approval was based on the information contained in the attached report from the City Clerk and a letter from the City Solicitor's office dated June 17, 1987 pertaining to general procedures regarding applications for establishment licences. The Committee did not approve the requirement of Certificates of Compliance under Property Standards By-law 74-74 due to the potential hardship which would be created for new business openings.

The members of the Licence Committee were given further legal advice that it was within the mandate of the Committee to direct the Building Department to carry out inspections of premises which would have the effect of eliminating a serious breach of the Section 5. (1) of the Licence By-law.

MEMORANDUM • CITY OF HAMILTON

TO : Mr. S. J. Dembe,
Manager of Licensing. YOUR FILE:

FROM : Philip R. A. Hooker,
City Solicitor's Office. OUR FILE : 130-37.10

SUBJECT : 311 Strathearne Avenue DATE : June 17, 1987
General Procedure regarding
applications for City licenses
for various premises

Attached please find copy of April 22, 1987 letter and enclosures from Alderman G. Copps to a Mr. Michael J. Schuster, which documents we received on June 11, 1987.

In her letter, among other things, Alderman Copps pointed out that the Building Department reported that it had not made an on-site ("field") inspection of the premises which are the subject of the licence application and that you advised her that the licence is issued prior to, or conditional on, the necessary corrections being made (to comply with outstanding fire safety, health or other requirements and regulations).

There is no such thing as a "conditional" licence: a person either has a licence or he does not.

Since a City-issued licence is virtually a certificate of official, City approval of both the licensee and the premises in question, the procedure you described to Alderman Copps must be changed immediately, as it had the very real potential of exposing the City to lawsuits for negligence and high money damages.

In our brief conversation of June 11, 1987, you attributed the origin of the practice you are apparently following to a former, long-retired member of this department. We do not believe that this is so and require you to produce documentation of such alleged former advice. In any event, it is not in accordance with the recent information provided by this department to the Second Level, Lodging House Subcommittee.

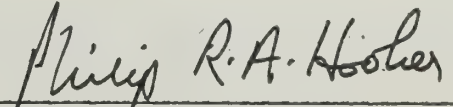
The practice you must follow is this:

1. Receive completed licence application and required licence fee;

2. Circulate clear copies of the application immediately to all appropriate inspecting departments, including, as the case may be, Building, Fire Prevention, Regional Health Services, Traffic, Regional Police, Regional Engineer, etc., requiring their on-site inspection reports back to you without delay, i.e. within 1-2 weeks;
3. Receive and peruse reports. If any requirements are outstanding, notify the licence applicant in writing, with copy to the department reporting the deficiency or infraction, that the specific requirements are outstanding and that no licence will be approved nor issued by the City until the outstanding requirements are satisfied in full. Also, in the letter, warn the applicant, in bold print, that the premises may NOT be operated until the licence is actually issued. A copy of your letter to the licence applicant should be sent to the Licensing Committee for its information. Please see the enclosed extracts of the Licensing By-law, 79-323, as amended.

It is most important that your letter to the licence applicant contain no suggestion or indication that the licence will be issued or may be issued. Simply advise the applicant, in writing, that the application cannot be further processed until all outstanding requirements are fully met.

We repeat that, on account of the very serious liability exposure of the City arising from what we understand to be your existing practice in regard to premises for which City licences are sought, you must immediately cease, in any respect, issuing or approving licences "on condition" or subject to future compliance by the applicant, as that would leave the City in an untenable position in a lawsuit for negligence and damages.


Philip R. A. Hooker,
for K. A. Rouff,
City Solicitor.

PRAH:mk

c.c. Alderman G. Copps
c.c. Alderman P. Valeriano, Chairman,
City of Hamilton Licensing Committee.
c.c. Alderman S. Collins
c.c. Alderman T. Murray
c.c. Mr. J. Child
c.c. Mr. J. R. Jones

FOR ACTION

REPORT TO: Alderman P. Valeriano, Chairman
Licence Committee

FROM: Mr. E. A. Simpson
City Clerk

DATE: 1988 September 9

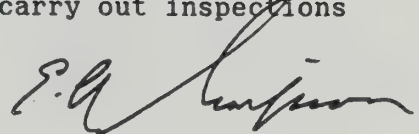
COMM FILE:

DEPT FILE:

SUBJECT: Establishment Licences

RECOMMENDATION:

1. That the Building Department be directed to carry out inspections of all establishment licences applications.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

This requirement may require additional staff by the Building Department and the financial costs may be offset by amending the Licence By-law 79-323 to make it a mandatory requirement that prior to the issuance of a licence, a certificate of compliance pursuant to By-Law 74-74 is obtained by the applicant.

The funds generated by the certificate of compliance may offset any additional costs incurred by the Building Department.

BACKGROUND:

I would refer the Committee to a letter from Mr. P. R. A. Hooker of the Legal Department dated June 17th, 1987 in which he advises that licences must not be issued without on site inspections being carried out.

In 1978/79 Zero Base Budgeting eliminated funding for the enforcement of the licence by-law in the Building Department.

The Fire Prevention Bureau and the Health Department both carry out inspections and advise the Licence Administrator of the completion of their requirements prior to the issuance of a licence. The Building Department advises the Licence Administrator as to whether the zoning of the property permits such a use. However, it does not advise the Licence Administrator or the licence applicant of the specific requirements of the Zoning By-Law. Neither does it determine whether the requirements of that zoning by-law are met prior to the issuance of the licence, as required by the by-law.

At the present time, once the Fire Prevention Bureau and the Health Department's requirements are complied with, the licence is issued.

cont'd....

The licence applicants are requested to comply with the zoning by-law.

If the Committee wishes to increase its enforcement process through the licence entity, it may consider the requirements of a certificate of compliance as required in the Property Standards By-Law 74-74, enforced and administered by the Building Department, to be added to each licence application as it does now in the case of second level lodging houses. This would create an additional source of revenue to offset costs incurred by the Building Department in its inspection of licenced premises.

As advised by the City Solicitor's Department, since a City issued licence is virtually a certificate of approval, the City could be held liable if the premises do not in fact meet the requirements of all relevant by-laws and we have issued a licence, and has a very real potential of exposing the City to lawsuits for negligence and high money damages.

A number of elected officials have brought specific instances to the attention of the Licence Administrator, hi-lighting the inadequacies of the present process.

FOR ACTION

7.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1988 AUGUST 12
COMM FILE:
DEPT FILES: SA-88-03
25-CDM-88002

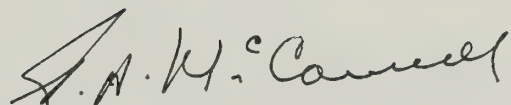
SUBJECT

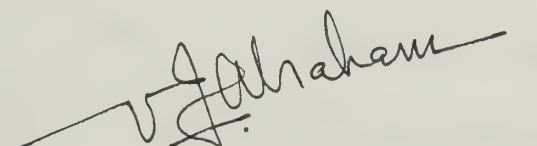
Proposed Draft Plan of Condominium "Fairhill Developments"

RECOMMENDATION

That approval be given to application SA-88-03, "Fairhill Developments", Fairhill Developments Ltd., owner, to establish a draft plan of condominium located on the south side of Brucedale Avenue east of Upper James Street, subject to the following conditions:

1. That this approval apply to the plan, prepared by MacKay, MacKay & Peters Limited dated December 15, 1987.
2. That this plan be revised to conform with the approved Site Plan under DA-88-23.
3. That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


V. J. Abraham, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

Fairhill Developments Limited, Hamilton, Ontario

Agent

MacKay, MacKay & Peters Limited, Hamilton, Ontario

Surveyor

MacKay, MacKay and Peters Limited, Hamilton, Ontario

Location

The lands, comprising 0.486 ha, are located south of Brucedale Avenue and east of Upper James Street in the Centremount Neighbourhood, City of Hamilton.

Proposal

The owner proposes to construct 18 Townhouse units in three buildings in a condominium project.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Existing Development" in the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - there is no approved neighbourhood plan.

Zoning - the lands are zoned to permit the proposed use. The proposal complies.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the development:

Ministry of the Environment,
Ministry of Culture & Communications,

City Board of Education,
Hamilton-Wentworth Roman Catholic Separate School Board,
Hamilton Region Conservation Authority,
Ontario Hydro, Union Gas and Bell Canada,
City Traffic Department (subject to Site Plan approval),
City Building Department.

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"For Information:

1. Sewers and watermain are available on Brucedale Avenue for servicing the subject lands. The owners should be advised that they may be required to install a large water service and boost the water pressure in order to provide adequate water pressure within the site.
2. There will be no Region's share for services in connection with this development.

Recommendations:

3. The Applicant is to satisfy the Region's financial requirements in regards to making the necessary cash payments for Levies, prior to the release of the Final Plan of Condominium.
4. The Applicant is to receive final approval to the Site Plan Application for this property prior to the release of the Condominium Plan. (Note: Requirements for the driveway access including the design and construction of the proposed entrance arch will be dealt with at the site plan approval stage.)

The submitted plan, as prepared by J. David Peters, O.L.S., and dated December 15, 1987, is satisfactory to this Department, subject to the above-noted comments and recommendations.

COMMENTS

1. The conformity of the proposal with the Official Plans and Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.
3. The owner received approval of a Site Plan under DA-88-23 on May 27, 1988.
4. The plan of condominium is not a conversion and therefore, is not subject to the Rental Housing Protection Act of the Provincial Government regarding rental conversions.



Location Plan For

LOTS 24 TO 34, PART OF LOTS 35 AND
PART OF RICE STREET
M.E. RICE SURVEY - REGISTERED PLAN № 306
IN THE
CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

 PROPOSED CONDOMINIUM

North



Scale
N. T. S.

Date
JAN. 18, 1988

Reference File No.
25CDM-88002
SA-88-03

Drawing No.

W 08° 09' W 64 634



I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

David Peters
J DAVID PETERS
ONTARIO LAND SURVEYOR

I HEREBY AUTHORIZE MACKAY, MACKAY & PETERS LIMITED TO SUBMIT THIS PROPOSED PLAN OF CONDOMINIUM TO THE REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH FOR APPROVAL.

DATA

THE PLANNING ACT
(1983, CHAPTER 1, SECTION 80)

- | | |
|-----|--------------------|
| (A) | SEE PLAN |
| (B) | SEE PLAN |
| (C) | SEE PLAN |
| (D) | CONDOMINIUM |
| (E) | RESIDENTIAL |
| (F) | SEE PLAN |
| (G) | SEE PLAN |
| (H) | WAITED AVAILABLE |
| (I) | CLAS. PLAN |
| (J) | SEE PLAN |
| (K) | SERVICES AVAILABLE |
| (L) | NONE |

DETAILS OF DEVELOPMENT	
AREA OF LOT	4,862 m ²
NO OF TOWNHOMES	18
(1:12 MIN STONE, 1/8 IN MORTAR JOINT)	
NO OF PARKING SPACES	29
(18 SPACES IN GARAGE, 11 ON SURFACE)	
NO OF LOADING SPACES	1
LANDSCAPE AREA (45%)	2,082 m ²

① DENOTES AN IRON BAR PLANTED
 ② DENOTES AN IRON BAR FOLDED
 18 DENOTES A 0.05 SQUARE IRON BAR
 116 DENOTES A 0.024 SQUARE IRON BAR
 P DENOTES PARKING SPACE

NOTE
REMARKS ARE ASTRONOMICAL AND ARE REFERRED
TO THE SOUTHERN LIMIT OF BRUCEDALE ARE ON A
COARSE OF N 68° 59' W AS SHOWN ON REGISTERED
PLAN N8 772

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METERS
AND CAN BE CONVERTED TO FEET BY DIVIDING
BY 0.3048

SCALE = 200
0 4 8 12 METERS
J. DAVID PETERS, OLS
1987

DRAFT PLAN OF CONDOMINIUM
FOR
LOTS 24 TO 34, PART OF LOTS 55 AND
PART OF RICE STREET
IN THE
RICE SURVEY - REGISTERED PLAN IN 2006
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON, MONTGOMERY



KEY PLAN
SCALE: 1" = 7500'

MONDAY, MONDAY & PETER

SUITE 600, UNION GAS BUILDING
20 HARRISON STREET SOUTH
HAMILTON, ONTARIO L8N 3A1

8.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1988 AUG. 10
COMM FILE:
DEPT FILES: SA-88-04

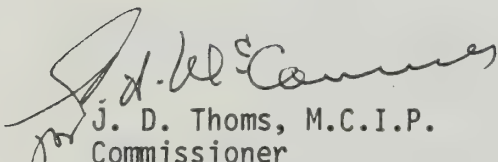
SUBJECT

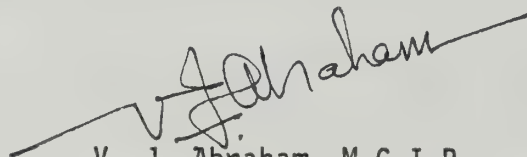
Proposed Draft Plan of Subdivision "Stoneridge Estates".

RECOMMENDATION

- a) That approval be given to Application SA-88-04, Lousan Developments, owner, to establish a draft plan of subdivision east of Upper Wentworth Street and north of Rymal Road, subject to the following conditions:
1. That this approval apply to the plan proposed by MacKay, MacKay and Peters Limited, dated November 6, 1987 revised to show 28 lots and four blocks (Blocks 29, 30, 31 and 32) as 0.3m reserves.
 2. That the streets be dedicated as public highways on the final plan.
 3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 4. That the final plan conform with the Zoning By-law approved under The Planning Act.
 5. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 8. That Street "A" align centreline to centreline with Acadia Drive as shown on Plan 62M-544.

9. That Lots 1 to 28 not be registered until Acadia Drive north of the plan is registered, or other sewer service arrangements have been approved by Regional Council.
 10. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 11. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-04), Lousan Developments, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- c) That the neighbourhood plan be amended accordingly.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


V. J. Abraham, M.C.I.P.
Director
Local Planning

FINANCIAL IMPLICATION

N/A

BACKGROUND

Owner

Lousan Developments, Hamilton, Ontario.

Agent

MacKay, MacKay and Peters, Hamilton, Ontario.

Surveyor

MacKay, MacKay and Peters, Hamilton, Ontario.

Location

The lands, comprising 2.25 ha, are located east of Upper Wentworth Street and north of Rymal Road in the Butler Neighbourhood, City of Hamilton.

Proposal

The owner proposes to subdivide the land for 25 lots for single family dwellings, one block for townhouse development, one block as a road widening, one block for development with adjacent lands and two blocks as 0.3m reserves. This proposal was revised to show 24 lots and four blocks as 0.3m reserves. The minimum lot size proposed has a width of 12m and an approximate area of 365m².

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - attached housing, single and double". The road pattern as shown would require an amendment to the neighbourhood plan.

Zoning - the lands are presently zoned "D/S-602" (By-law 78-169). "D/S-602a" (By-law 81-241), and "C". The proposal complies.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs,
Ministry of Transportation,
Ministry of the Environment (subject to standard noise conditions for units fronting on Upper Wentworth,
Ministry of Natural Resources,
Ministry of Culture and Communications,
Niagara Escarpment Commission,
Hamilton Region Conservation Authority,
Ontario Hydro, Union Gas, Bell Telephone,
City of Hamilton Board of Education,
Hamilton-Wentworth Separate School Board,
City Traffic Department, (subject to revised road pattern),
City Building Department.

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

- "1. That sufficient land be dedicated to the Region to establish the property line on Upper Wentworth Street, 18.29m from the centreline of the original road allowance.
2. That Street "A" align centreline to centreline with Acadia Drive as shown on Plan 62M-544.
3. That the subdivider acquire and include in the plan sufficient lands to establish a 26m wide mid-block collector with 12m daylight triangles at Upper Wentworth Street, and said collector to align up with the street on the west side of Upper Wentworth Street. Alternatively, the City has to agree to open part or all of the street by By-law.
4. That Lots 1 to 25 and Block 27 not be registered until Acadia Drive north of the plan is registered, or other sewer service arrangements have been approved by Regional Council.
5. That a sewer easement in favour of Hamilton, of a width of 3m, be established in the vicinity of Lots 17 and 18.
6. That the proposed cul-de-sac have a transition radius of 9m into the cul-de-sac bulb (refer to the attached plan).

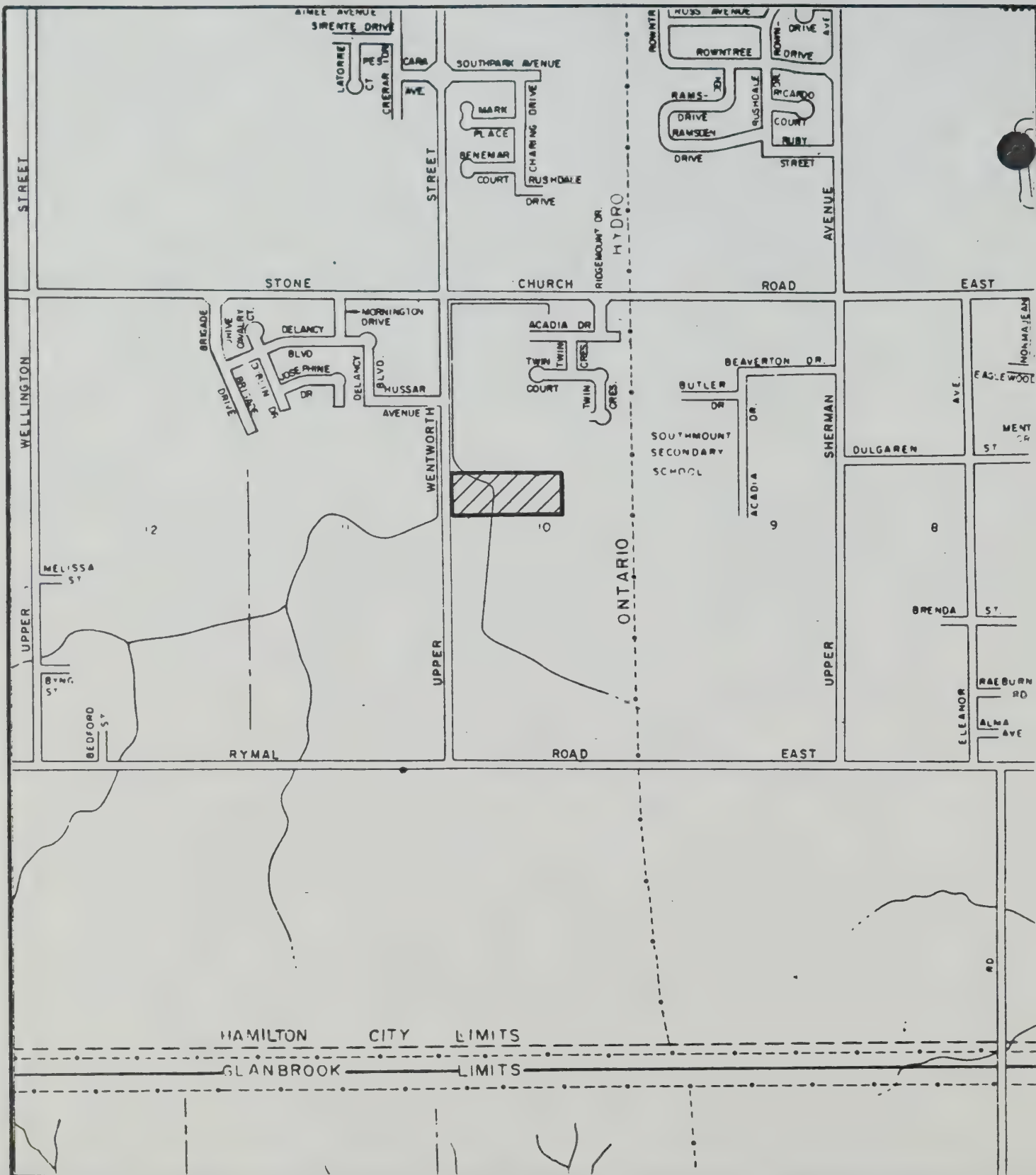
For your information:

1. The development will have to await the extension of municipal storm and sanitary sewers, as well as water, from the north to the north limit of the subdivision on Street "A", as well as the installation of sewers on Upper Wentworth Street along the limits of the subdivision, which is in the 1988 Capital budget.
2. A storm water inlet chamber will be required near the east limit of the subdivision, at the southeast corner of Lot 17.
3. We advise at this time that the future reconstruction and widening of Upper Wentworth Street may include the construction of raised concrete medians which may restrict access to the subject lands at some future date.
4. Should this plan be approved, we expect that you will make the necessary changes to the Neighbourhood Plan. We caution you that the change will transfer additional cost to the owners to the south.
5. Regional cost due to oversizing and recoverable items are expected to be approximately \$40,000.00."

COMMENTS

1. The conformity of the proposal with the Official Plans and the Zoning By-law is noted.
2. As no part of the subject lands is designated for park or recreational use on the Neighbourhood Plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
3. The owner revised the original proposal by omitting the townhouse block, the road widening block and the area of the stubroad. Conditions related to this area are addressed in a decision of the Regional Land Division Committee (file No. H-23-88).
4. The proposed plan was revised by providing a road connection for the lands to the east, by omitting a proposed road at the southerly side of the Separate School Site and by linking the development with the southerly road system as shown in the neighbourhood plan.

JLS:dc



Location Plan For

STONERIDGE ESTATES

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



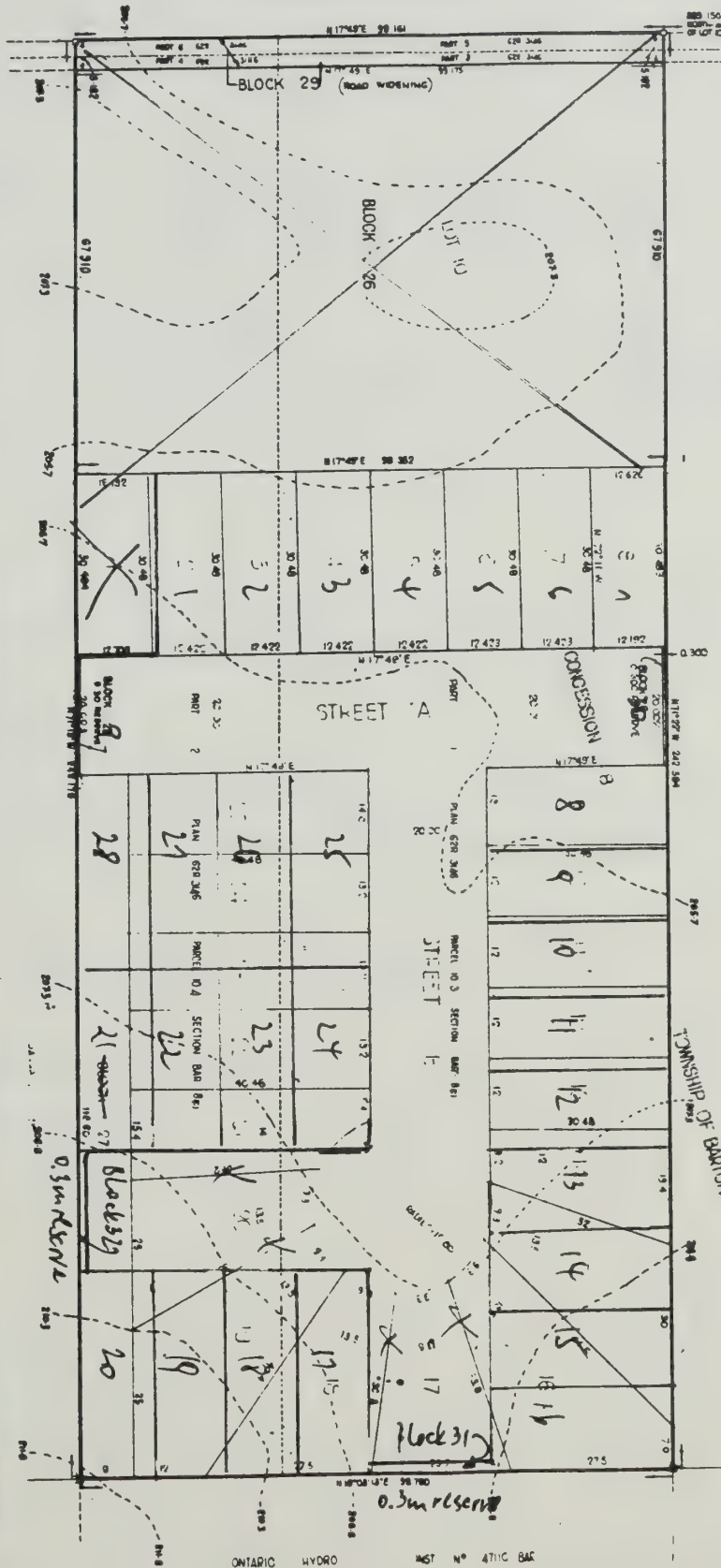
Scale
N. T. S.

Date
FEB. 3, 1988

Reference File No.
25T-88002

Drawing No.

UPPER WENTWORTH STREET



LAND LIES:
 LOT 1 TO 10 - BOUND QUALITY
 BLOCK 29 - TOWNSHIP UNITS
 TOTAL AREA: 9.408 Ha. (23.27 ACRES)

CONVEYANCE OF THE PARCELS ACT 1980

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- 100. THE PLAN

OWNERS CERTIFICATE

I, the undersigned, being the owner of the land shown on the plan, do hereby certify that the plan is a true and correct representation of the land shown on the plan, and that the land shown on the plan is the same as the land shown on the plan.

DATED AT TORONTO ON 1987

SIGNED BY THE OWNER

SURVEYOR'S CERTIFICATE

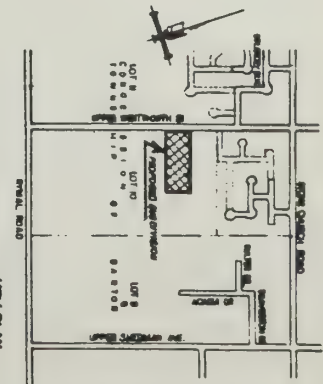
I, the undersigned, being the surveyor, do hereby certify that the plan is a true and correct representation of the land shown on the plan, and that the land shown on the plan is the same as the land shown on the plan.

DATED AT TORONTO ON 1987

SIGNED BY THE SURVEYOR

NOTICE: A copy of this plan may be obtained from the City of Hamilton, Ontario, at a cost of \$1.00 per page. A fee of \$1.00 per page will be charged for each page of the plan.

DRAFT PLAN OF SUBDIVISION OF
 STONERIDGE ESTATES
 PART OF LOT 10 CONCESSION 8
 TOWNSHIP OF BARTON
 CITY OF HAMILTON
 NOW IN THE
 REGIONAL MUNICIPALITY OF HAMILTON, WEST WENTWORTH
 SCALE 1:500
 J. DAVID PETERSON O.S.
 1987



9.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1988 AUGUST 10
COMM FILE:
DEPT FILES: SA-88-15
25CDM-88006

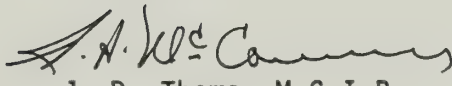
SUBJECT

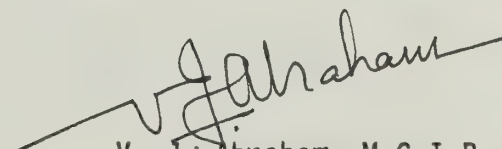
Proposed Draft Plan of Condominium "Arm-Orn Property"

RECOMMENDATION

That approval be given to application SA-88-15, "Arm-Orn Property", Arm-Orn Properties Ltd., owner, to establish a draft plan of condominium located on the north side of Bigwin Road west of Pritchard Road subject to the following conditions:

1. That this approval be given to the plan, prepared by A. J. Clarke and Associates, dated July 12, 1988.
2. That the owner receive the approval of a change to the Site Plan (DA-88-25) to allow a building length of 50.31m.
3. That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


V. J. Abraham, M.C.I.P.
Director
Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

Arm-Orn Properties Limited, Hamilton, Ontario

Surveyor

A. J. Clarke & Associates, Hamilton, Ontario

Location

The lands, comprising 0.5837 ha, are located at the north side of Bigwin Road, west of Pritchard Road in the Albion Falls Neighbourhood, City of Hamilton.

Proposal

The owner proposes to construct 12 industrial units as a condominium project.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Industrial-Business Parks" in the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Industrial". The proposal complies.

Neighbourhood Plan - the lands are designated "Restricted Industrial". The proposal complies.

Zoning - the lands are zoned ("M-14", Prestige Industrial) to permit the proposed use. The proposal complies.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the development:

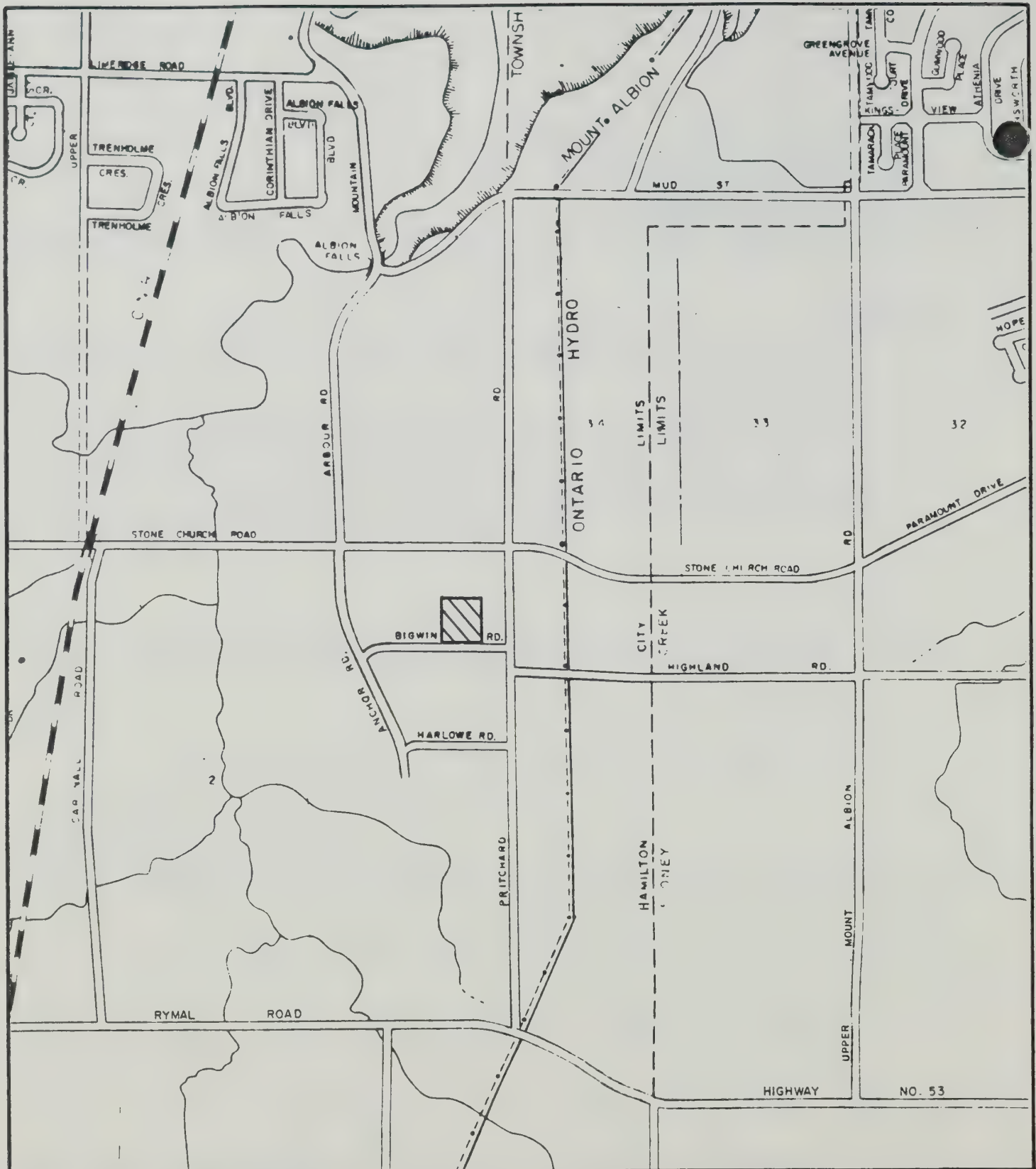
Ministry of the Environment,
Ministry of Culture & Communications,
Ministry of Transportation,
Ministry of Natural Resources,

Hamilton Region Conservation Authority,
Ontario Hydro, Union Gas and Bell Canada,
City Traffic Department,
City Building Department,
Hamilton-Wentworth Department of Engineering.

COMMENTS

1. The conformity of the proposal with the Official Plans and the Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.
3. The owner should apply for a revision to the Site Plan, DA-88-25 as approved on April 25, 1988, which shows a building length of 50m., while the submitted plan of condominium shows the building length as 50.31m.

JLS/jd



Location Plan For

ARM-ORN INDUSTRIAL CONDOMINIUMS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED CONDOMINIUM

North



Scale

N. T. S.

Date

AUG. 3, 1988

Reference File No.

25CDM-88006

Drawing No.

(Road Allowance Between Concessions 7 & 8)



BIGWIN ROAD
(ESTABLISHED BY PLAN M-246)

NOTE:
EXISTING ELEVATIONS WERE OBTAINED FROM
SITE PLAN BY CIVIL ENGINEERING DESIGN
EXISTING GROUND ELEVATION 0 0 0 0 0

EXISTING INDUSTRIAL

101



BEING A PROPOSED CONDOMINIUM PROJECT OF
LOTS 13 AND 14
REGISTERED PLAN M-246
IN THE
CITY OF HAMILTON

1 ♀ Black. O.Y.Y. 1988

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND MODIFICATION.
METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY MULTIPLYING BY 0.3048.

REF: CHAPTER 349-R.S.O.-1980 SECTION 36.2) THE PLANNING ACT

A SHOWN ON PLAN G SHOWN ON PLAN

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 C. SHOWN ON PLAN
 D. SEE LAND USE SCHEDULE
 E. SHOWN ON PLAN
 F. SHOWN ON PLAN
 G. SHOWN ON PLAN
 H. MUNICIPAL PIPED WATER AVAILABLE
 I. CLAY LOAM
 J. SHOWN ON PLAN
 K. MUNICIPAL SERVICES AVAILABLE
 L. MOIST

SURVEYOR'S CERTIFICATE:

I, CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBMITTED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

JULY 12 1988

000000

W. J. Calverley.
AS. ADME
CONTAINED AND SUBS.

OWNER'S AUTHORIZATION:

WE, ARM-ORN PROPERTIES LTD BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A J CLAPPE AND ASSOCIATES TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPAL OF HAMILTON--WENTWORTH FOR THEIR APPROVAL

JULY 12, 1960

[illegible]

1 AND USE SCHEDULE:

TOTAL AREA OF SITE = 583' x 4 m²
TOTAL NUMBER OF UNITS = 12
TOTAL NUMBER OF PARKING SPACES = 40 SURFACE PARKING SPACES
TOTAL NUMBER OF LOADING SPACES = 1

107 19

10113

65

101

A. J. Blanke and Associates

10.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1988 AUGUST 26
COMM FILE:
DEPT FILES: SA-88-10
25T-88014

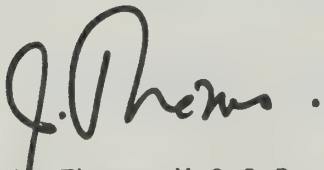
SUBJECT

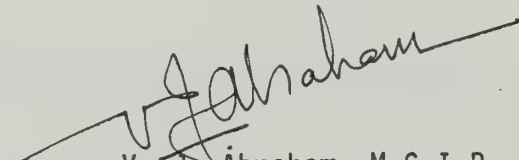
Proposed Draft Plan of Subdivision "Aquino Gardens"

RECOMMENDATION

- a) That approval be given to application SA-88-10, Sam Aquino, owner, to establish a draft plan of subdivision south of Stone Church Road East, west of Upper Sherman Avenue, subject to the following conditions:
1. That this approval apply to the plan prepared by MacKay, MacKay and Peters Limited, dated March 24, 1988, showing 51 lots and 6 blocks, revised in red to show relotting in the areas for "zero-lot-line" development and dimensional changes to street curves and corners.
 2. That the owner acquire sufficient land to establish all streets included in the final plan to the full required width, if the required land is not to be established as a public highway by City of Hamilton by-law.
 3. That only those parts of the plan to which road access and municipal services are available shall be released for registration.
 4. That the streets and street widening (Block "56") be dedicated as public highways on the final plan.
 5. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 6. That the final plan conform with the Zoning By-law approved under The Planning Act.

7. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 8. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 9. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 10. That any dead-end or open side of the road allowances created by the plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and to be held by the City until required for the extension of the road allowance or for the development of abutting lands.
 11. That Blocks "52" to "55" inclusive be developed only in conjunction with abutting lands.
 12. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 13. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-10), Sam Aquino, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


V. J. Abraham, M.C.I.P.
Director
Local Planning

BACKGROUND

Owner

Sam Aquino, Hamilton, Ontario

Surveyor

J. D. Peters, O.L.S., Hamilton, Ontario

Location

The lands, comprising 2.097 ha, are located in the area south of Stone Church Road East, west of Upper Sherman Avenue, in the Butler Neighbourhood, City of Hamilton.

Proposal

The owner proposes to subdivide the lands into 13 lots for single-family dwellings (12 zero-lot-line), 39 lots and 3 blocks for semi-detached dwellings (42 units) and 3 blocks for development in conjunction with adjacent lands. All lots, with the exception of Lot 51 which will front onto Stone Church Road, will front onto new streets to be established in compliance with the approved neighbourhood plan. The minimum lot width proposed for semi-detached dwellings is 18.28m and the minimum lot area is 547m². The minimum lot width proposed for the "zero-lot-line" development is 9.14m and the minimum lot area is 274m².

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - single and double". The proposal complies.

Zoning - the bulk of the lands are zoned "AA" (Agricultural) District which will require a by-law amendment to rezone the lands to suitable residential districts.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Transportation;
Ministry of the Environment (subject to standard noise conditions);
Ministry of Natural Resources;
Ministry of Culture & Communications;
Hamilton Region Conservation Authority;
Ontario Hydro (subject to specific conditions to protect their abutting property);
Union Gas, Bell Telephone;
City of Hamilton Board of Education;
City Traffic Department (subject to all roadways being established in full);
City Building Department (subject to rezoning).

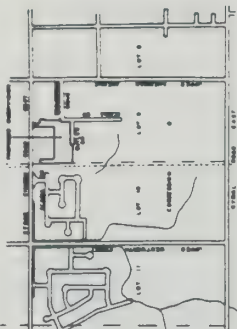
The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

- "1. It is recommended that Stone Church Road be widened to establish the property line 15.24m from the centreline of the original Stone Church Road road allowance.
2. That Lots 42 to 50 not be developed until such time that Acadia Drive is established to its full width or the City has agreed to open the widening and these lots not be registered until Acadia Drive to the west is registered.
3. Butler Drive must be established to its full width on the lands of the School Board prior to developing Lots 1 to 9 and 14 to 21 inclusive.
4. A 2m x 2m daylight triangle is required on Lot 21.
5. The cul-de-sac, Amherst Circle must be established at a 15m radius with 9m transitions into the cul-de-sac bulb, prior to the development of Lots 27 to 32 inclusive.
6. The closure of Holland Avenue is now being processed.
7. The development can be serviced for storm and sanitary sewers from existing Regional services.
8. Lots 1 - 51 and Blocks "52" to "56" can be serviced for water from existing Regional services. However, Block "57" cannot be serviced at the present time, given the present layout.
9. It is expected that the Region's share for watermain oversizing will be approximately \$42,800.00.
10. The plan, subject to the above, is satisfactory to the Department of Engineering."

COMMENTS

1. The conformity of the proposal with the Official Plans and the need for an amendment to the zoning by-law to rezone the bulk of the lands is noted.
2. As the lands do not form part of a "park and recreational" site on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
3. The lotting in the area of Lots 14 to 19 and 40 to 45 both inclusive and Blocks "53" and "54" will have to be widened to provide an average lot width of 10.0m if these lots are to develop on the "zero-lot-line" concept and become zoned for such use, as indicated in the schedule of land uses.
4. Minor "red line" revisions to the plan are required to implement the recommendations of the Department of Engineering, otherwise, the draft plan can be supported.
5. The requirements of the commenting agencies can be implemented through the conditions of draft approval to be established by the Regional Municipality.

CMD/jd



KEY PLAN

DRAFT PLAN OF
Aquino Gardens
SUBDIVISION OF PART OF
LOT 5 CONFESSION
TOWNSHIP 18 N. RANGE 9 E.
CITY OF HAMILTON
HAMILTON, WESTWORTH

1:10,000 SCALE

SURVEYOR'S CERTIFICATE

THESE LOTS HAVE BEEN SURVEYED AND THE BOUNDARIES OF THE SAME
ARE SHOWN ACCURATELY AND CORRECTLY SHOWN

DATE

1987-07-10

OWNER'S CERTIFICATE

THESE LOTS HAVE BEEN SURVEYED AND THE BOUNDARIES OF THE SAME
ARE SHOWN ACCURATELY AND CORRECTLY SHOWN

DATE

1987-07-10

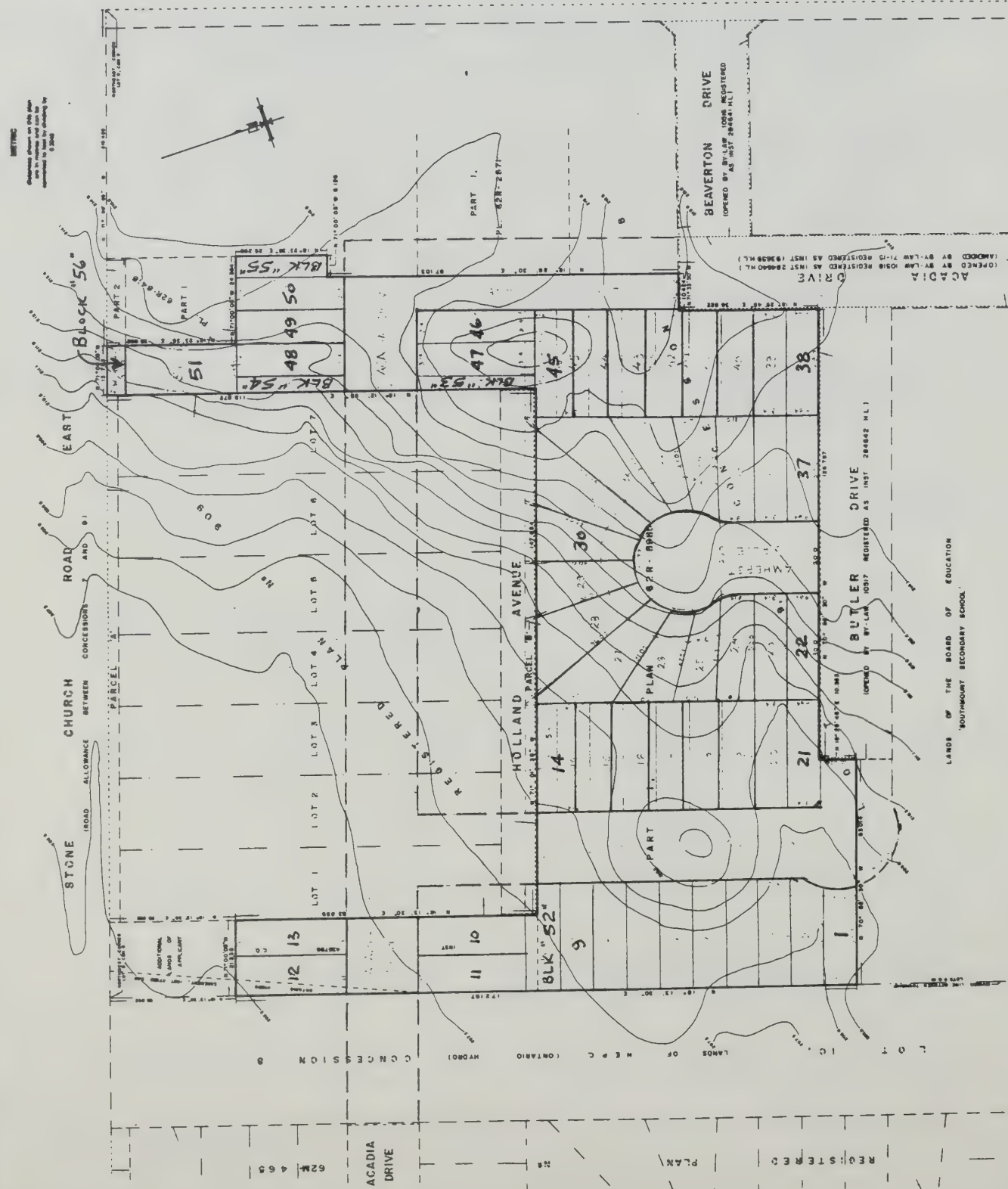
REQUIREMENTS OF THE PLANNING ACT, 1983
CHAPTER 1, SECTION 50.01

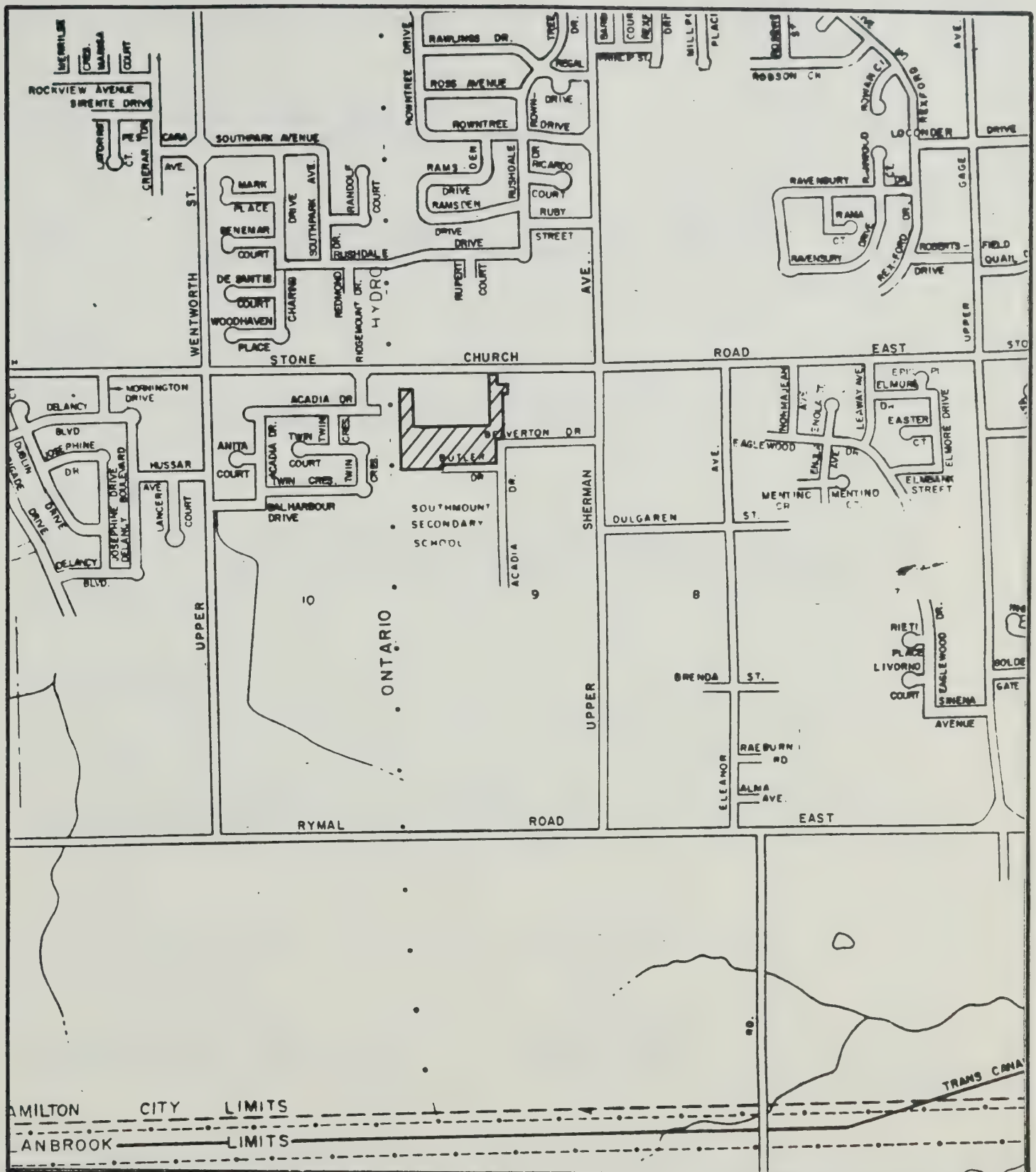
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LOT	SCHEDULE	LAND	USE
1-10	1	RESIDENTIAL	RESIDENTIAL
11-20	2	RESIDENTIAL	RESIDENTIAL
21-30	3	RESIDENTIAL	RESIDENTIAL
31-40	4	RESIDENTIAL	RESIDENTIAL
41-50	5	RESIDENTIAL	RESIDENTIAL
51-60	6	RESIDENTIAL	RESIDENTIAL
61-70	7	RESIDENTIAL	RESIDENTIAL
71-80	8	RESIDENTIAL	RESIDENTIAL
81-90	9	RESIDENTIAL	RESIDENTIAL
91-100	10	RESIDENTIAL	RESIDENTIAL

TOTAL AREA
2.097 ha (18.0 Acres)

REMARKS: THESE LOTS HAVE BEEN SURVEYED AND THE BOUNDARIES OF THE SAME
ARE SHOWN ACCURATELY AND CORRECTLY SHOWN





Location Plan For

AQUINO GARDENS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale

1" = 1000'

Reference File No.

25T-88014

Date

MAY 11, 1988

Drawing No.

FOR ACTION

116

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 September 21
COMM FILE:
DEPT. FILE: P5-2-127

SUBJECT:

Proposed amendments to the Strathcona Neighbourhood Plan regarding Locke Street South between Main Street and King Street.

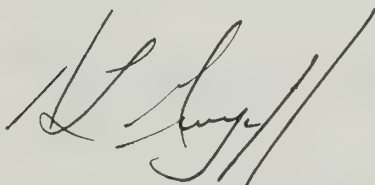
RECOMMENDATION

That the Planning and Development Committee authorize a public meeting to be held to discuss the proposed recommendations and options for planning issues related to the widening of Locke Street South between Main Street West and King Street West.

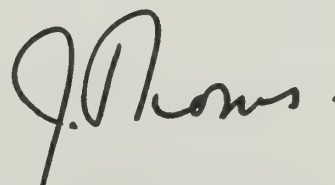
EXPLANATORY NOTE

An issue involving road widening, alleyway location, front yard setbacks and disposition of City lands on Locke Street South requires resolution.

As part of the neighbourhood plan amendment process it is necessary for the Planning and Development Committee to authorize a public meeting to discuss a package of proposals.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

Description of the Study Area

The area in question is located in the Strathcona Neighbourhood, for which there is an approved neighbourhood plan. (See Map 1)

Locke Street in the study area is a one-way street, with the flow of traffic from south to north. South of Main Street West and north of King Street West, Locke Street is a two-way street. In the study area, Locke Street has a paved width of 23 feet (providing two traffic lanes) and a road allowance of 33 feet.

Lands on the east and west sides of Locke Street in this area are used for single family homes and other low-density residential uses. Lands on the east side of Margaret Street, just west of Locke Street, have been redeveloped for townhousing. Commercial uses are located along King Street West and Main Street West.

There is an existing 12 feet assumed alleyway behind the Locke Street properties. There is also a 20 foot strip of land between the Margaret Street lands and the alleyway that is owned by the City of Hamilton.

At the present time traffic volumes on Locke Street do not appear to be increasing. In addition, the narrow paved width of Locke Street does not appear to present a major safety hazard in terms of traffic accidents.

History

The Strathcona Neighbourhood Plan was approved by City Council on October 31, 1972. The Plan designated lands bounded by Main Street West, Locke Street South, King Street West and Margaret Street for commercial and apartment development. To accommodate the resulting additional traffic in the area, Locke Street was designated in the Neighbourhood Plan for future widening from 33 feet to 66 feet.

During the implementation of the Neighbourhood Improvement Programme it was felt that the comprehensive commercial/residential area previously envisaged would not materialize.

Therefore, on July 29, 1980 City Council approved amendments to the Neighbourhood Plan to change the "Commercial and Apartment" designation of the lands on the block bounded by Margaret/Main/Locke/King to "Single, Double and Attached" housing except for the areas fronting on King Street West and Main Street West, which were designated commercial. However, if housing development did not go ahead, commercial development could still take place on the northern half of the block.

In addition to the changes to the Neighbourhood Plan, a 20 foot wide strip of land at the rear of properties fronting on Margaret Street was retained by the City from lands acquired under the Neighbourhood Improvement Programme for

housing. Funds for the purchase of these lands (\$23,100) were taken from the reserve fund for property purchases. The lands were purchased to allow a land exchange with properties on Locke Street when lands were taken for a proposed road widening.

Since there was an existing alleyway between the City lands and the Locke Street properties, the City initiated measures to close the alleyway. Adjacent land owners received a notice of the proposed alley closure and several objected on the basis of the elimination of the rear access to their properties. On April 12, 1984 the City's Management Team recommended not to proceed with the closure because of the low priority assigned to the project.

In 1983 the City received an application for a building permit for a house on the west side of Locke Street. The issuance of a permit was contingent upon the owner achieving a variance to the Zoning By-law because under Section 4.(3)(b) of the Zoning By-law a lot for residential purposes must be within 15 feet of a public highway of a width of 40 feet (Locke Street has a road allowance of 33 feet).

On February 14, 1984 the Committee of Adjustment recommended that the application be tabled until the Planning Department reviewed the future land use for the area.

There have been a small number of inquiries concerning possible new residential development on Locke Street in the past few years. In July 1988 an application was submitted for a minor variance for three vacant properties at 36 and 50-52 Locke Street. The proposal involves the construction of a single family home and a semi-detached dwelling, notwithstanding that the street has a width of 10.06 m (33 feet) instead of the required 12.0 m (40 feet) minimum. This application will be dealt with once the Planning and Development Committee has had an opportunity to consider the roadway issue, and a public meeting held to obtain input from area residents.

ANALYSIS

Zoning By-law

Currently, no redevelopment is permitted on Locke Street because of the By-law preventing development on streets of 40 ft. or less. If this restriction were removed, current Council policy in the Neighbourhood Plan calls for a 23 ft. reduction in lot depth (from 100 ft. to 77 ft.) for properties fronting Locke Street. A further 20 ft. building setback would be required by the Zoning By-law. This would mean that new houses would have to be built at the rear of the lots approximately 40 ft. further back on the lots than the existing dwellings.

Road Widening

The Planning Department supported the future road widening and transfer of land in 1980 because of the possibility of comprehensive commercial

development on the north half of the Margaret/Main/Locke/King block. The widening was proposed to be taken on the west side only, to minimize impacts on residents. Since then residential development has taken place on Margaret Street and some properties on Locke Street have been upgraded. It is no longer felt that road widening is worthwhile because of the high cost of acquisitions and road construction. Even if a small depth of the property were used to widen the road allowance it is unlikely that it could be used for road purposes because the dwellings are very near the road and at least some are likely to remain for a long time in the future. Also a widened road allowance would entail encroachment agreements which could cause difficulties for owners in the event of sale. A 20 ft. setback for new dwellings would be sufficient to allow car parking in front yards.

Alleyway

The legal right-of-way of the rear alleyway is mostly overgrown and a mud track on the land retained from the Margaret Street sale is used for rear access. There is still a need for rear vehicular access to existing properties particularly where garage accesses exist. Several owners have objected to closing the alleyway. Access to an alleyway can be from the Margaret Street entrances and it would be desirable to close the alleyway between Nos. 360 and 364 Main Street West to prevent access directly from Main Street. The best location for the alleyway is abutting the Margaret Street property. The legal right-of-way of the rear alleyway should be closed and, together with a further 8 ft. of the Margaret Street property, should be disposed of to Locke Street owners. This would enlarge the Locke Street properties and avoid maintenance costs for the City on surplus land.

COMMENTS FROM CIRCULATION

A set of draft recommendations was circulated to staff of municipal departments for review, and the following comments were received.

Transportation Services (Engineering Department)

- Note that this section of Locke Street was reconstructed in the spring of 1988 at a cost of \$148,000. Therefore, they see no plans to widen the travelled road in the near future.
- Concur with the recommendation to remove the road widening from the approved Strathcona Neighbourhood Plan. The construction costs to widen the road to four lanes would be approximately \$100,000.
- Agree that the zoning by-law should be amended to allow homeowners to redevelop their properties.
- Recommend that, due to the substantial cost involved, no action to pave the alley be initiated by the City. The current rate for local improvement alley paving is \$70.00 per metre (\$21.34 per foot), for a total cost of approximately \$46,000, of which \$21,400 would be the City's share and \$24,600 would be paid by the owners.

- Agree that if the alley is relocated, the remaining City lands should be offered to the abutting owners. Under the current policy on alley closures in residential areas, lands may be conveyed at a cost of \$1.00 per resident.

Traffic Department

- Recommend that the proposed road widening to a 66 foot right-of-way be retained in the Strathcona Neighbourhood Plan.
- Feel that the roadway is required to complete the overall roadway system, and to provide adequate roadway capacity and safety for pedestrians.
- Recommend that acquisition of property for the road widening be made a provision of any future redevelopment.

Real Estate Department

- Estimate that the cost of property acquisition for the road widening would be approximately \$2 million to acquire properties on the west side of the street only.
- Agree with the proposal to dispose of any surplus City-owned alley lands, to abutting land owners, if the alley is relocated, noting that only limited revenue would be realized.

Community Development Department

- Noted that it would not be possible to recover the original \$23,100 cost of the 20 foot reserve strip from the Kirkendall-Strathcona NIP program, a possibility raised by the Real Estate Department, since these accounts have long since been closed.

Regional Planning Branch, Planning Department

- Agree that any plans to widen Locke Street at this time would be prohibitive in terms of cost. They feel that it is essential that comments from the Traffic and Transportation Departments be obtained to resolve this issue.

Land Use and Urban Design Division, Planning Department

- Agree with the recommendation to delete the proposed road widening from the Strathcona Neighbourhood Plan.

Engineering Department, and Public Works Department

- Have no objections to the proposed deletion of the road widening and the related recommendations.

RECOMMENDATIONS FOR PUBLIC REVIEW

The following recommendations have been prepared based on a review of the background information and comments received from circulation to municipal departments. These recommendations are to be presented for discussion and decision at a public meeting, to enable input from area residents and owners.

Road Widening

It is recommended that the road widening be removed from the approved Strathcona Neighbourhood Plan as an affirmation of the City's intent not to widen Locke Street South.

Locke Street South should not be widened for the following reasons:

- widening the street could increase the level of traffic on a primarily residential street;
- the acquisition cost of securing a right-of-way could be prohibitive;
- several of the dwellings fronting on Locke Street have recently been renovated, indicating the owners' commitment to the area;
- the roadway has recently been reconstructed, at the same width; and,
- widening the street would remove viable housing stock from the area.

Zoning Controls

Section 4.(3)(b) of the Zoning By-law should be amended to allow the homeowners to redevelop their properties because:

- the narrow width of Locke Street does not cause undue traffic circulation difficulties or safety hazards; and,
- increasing the road allowance or pavement width appears impractical.

Alley

It is recommended that the City initiate the process to move the existing assumed alley from its present location to the west side of the adjacent City lands. The new alley should be paved and the old alley closed, and lands disposed of to adjoining owners. This approach to the alley and its relocation should be taken to:

- increase lot depths for adjacent residential lots on the west side of Locke Street;
- retain the existing automobile access to rear parking for residents on Locke Street, many of whom do not have access to parking directly from Locke Street; and,
- eliminate maintenance costs on the existing City-owned 20 foot wide strip, through their sale to owners.

It is recognized that the costs of relocating the alley and paving it will be approximately \$46,000, over half of which will be paid by property owners. If there is only limited support for relocating and improving the alley, then the existing alley could be retained as an alternative approach. This, however, would reduce the size of the lots available for redevelopment and would be less efficient.

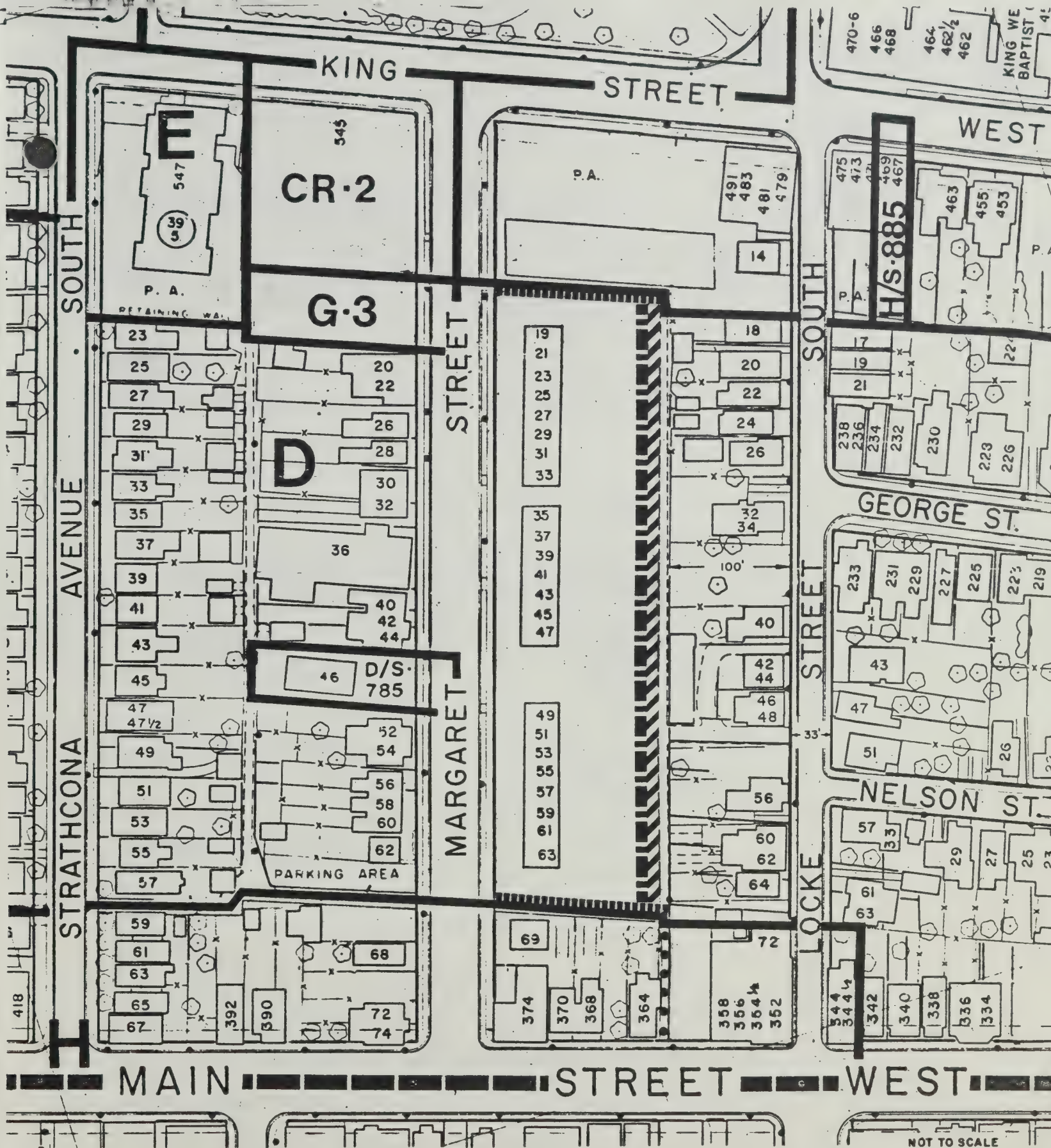
CONCLUSION

The recommended approach would provide a solution with a low cost to the City, minimal impact on residents and would enable appropriate redevelopment to take place. A public meeting should, therefore, be held to examine the proposal and obtain public input.

VG/dkp

WP 0021P

SCALE IN FEET



LEGEND

- NEW LOCATION OF ALLEY - 12 FEET WIDE
- ALLEY TO BE RETAINED
- ALLEY TO BE CLOSED
- ////// CITY OWNED LANDS (AFTER ALLEY RELOCATION) - 20 FEET WIDE

MAP 2

PROPOSAL FOR LOCKE STREET SOUTH

FOR ACTION

120

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 September 13
COMM FILE:
DEPT. FILE: D.8.1

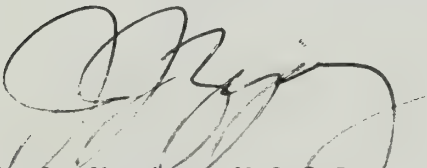
SUBJECT:

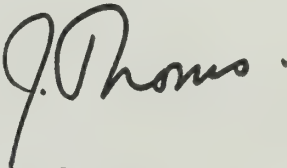
Proposed Amendment 42 to the Niagara Escarpment Plan.

RECOMMENDATION

That the Planning and Development Committee recommend to Council:

- (a) That the City Clerk notify the Clerk of the Regional Municipality of Hamilton-Wentworth that the City of Hamilton does not object to the proposed Amendment 42 to the Niagara Escarpment Plan.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The Niagara Escarpment Commission has requested the City of Hamilton to comment on proposed Amendment 42 to the Niagara Escarpment Plan which has been initiated by Taro Aggregates Inc. (758375 Ontario Ltd.). The amendment will amend the Mineral Resource Extraction Area designation to Urban Area in order to permit urban residential development in accordance with the Heritage Green Community - Secondary Plan. The subject lands are located entirely within the City of Stoney Creek.

COMMENTS

1. The lands are located entirely within the boundaries of the City of Stoney Creek.
2. The subject lands are to be developed for residential purposes in conjunction with the draft Heritage Green Secondary Plan.
3. The development of the lands would not directly affect development within the City of Hamilton.

CONCLUSION

The proposed amendment to the Niagara Escarpment Plan would not adversely affect the planning interest of the City of Hamilton.

N.H.:nd
W.P. DOC. 0371P



Ontario



Niagara
Escarpment
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Commission de
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du Niagara.

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August 5, 1988

Mr. E. A. Simpson
Clerk
City of Hamilton
71 Main Street W.
Hamilton, Ontario
L8N 3T4

Dear Mr. Simpson:

Re: Niagara Escarpment Plan Amendment Application 42/HW/88
(Taro Aggregates Inc. 758375 Ontario Limited)
North ½ Lot 28, Concession 6
City of Stoney Creek
Regional Municipality of Hamilton-Wentworth

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
FILE NO. AUG 12 1988				
TO	STAFF	INIT.	INFO.	ACT.
DIR.	KAH			
ED & A.				
NEIGH.				
1 DEV.	JZC			
2	NA			
COMM.				

Pursuant to Subsection 12(2) of the Niagara Escarpment Planning and Development Act, the Commission invites the City of Hamilton to make comments to the Regional Municipality of Hamilton-Wentworth on the enclosed amendment to the Niagara Escarpment Plan.

Additional information regarding the amendment may be obtained from the Niagara Escarpment Commission office in Georgetown.

The Act requires that the council submit its comments to the Regional Municipality of Hamilton-Wentworth by November 7, 1988.

Yours very truly,

G. H. U. Bayly
Chairman

cc: R. Morrow
V. J. Abraham



Ontario

SUB # 6213



Niagara
Escarpment
Commission

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July 28, 1988

Re: Niagara Escarpment Plan Amendment Application 42/HW/88
Taro Aggregates Inc. (758375 Ontario Ltd.)
N½ Lot 28, Concession 6
City of Stoney Creek
Regional Municipality of Hamilton-Wentworth
Map 30M/4W Grid Reference: 985 835

Date Received: June 23, 1988.

Applicant: Taro Aggregates Inc.

Agent: Miller O'Dell and Paul (Consultants).

Proposal: To amend the Niagara Escarpment Plan Mineral Resource Extraction Area to Urban Area on a 20 ha (50 ac.) parcel.

Niagara Escarpment Plan: The lands are designated Mineral Resource Extraction Area in recognition of a current licence issued under the Pits and Quarries Control Act.

The surrounding lands within the area of the Plan are designated Urban Area.

Summary Recommendation: Commence procedure under subsection 12(2) of the Act.

Background:

1. Regional Official Plan

The Hamilton-Wentworth Regional Plan has been brought into conformity with the Niagara Escarpment Plan.

The Regional Plan includes the property in the Niagara Escarpment Plan Area within its Urban Policy Area.

This area is slated for "Residential and Related Uses" in Stage I of the Region's Staging of Development Plan.

2. Stoney Creek City Official Plan

The official plan designation on the subject lands is "Special Policy Area B."

Special Policy Area B is intended for Urban Uses in accordance with the Regional Plan, subject to a secondary Plan being adopted for the area.

3. Heritage Green Community Secondary Plan (March 10, 1988).
The draft Heritage Green Secondary Plan has been prepared.

The subject property was retained within Special Policy Area B.

4. Heritage Green Community Extension (March 1988).
Taro Aggregates Limited has prepared a secondary plan for the area identified as Special Policy Area B in the Stoney Creek Official Plan and in the draft Heritage Green Secondary Plan.

The subject property is proposed to be included in a "Residential" designation.

The Commission, in its comments on the secondary plan, indicated that approval of the portion of the secondary plan which affects the subject property would be premature until an amendment to the Niagara Escarpment Plan has been approved.

Site Analysis:

The subject property comprises 20 ha (50 ac.) and is located approximately 400 m (1300 ft.) south and east of the Escarpment brow.

The north-west corner abuts Felker's Falls Conservation Area, owned by the Hamilton Region Conservation Authority.

An upland forest is located above the Escarpment on the Conservation Authority lands. (See attached air photo). The Escarpment face and associated upland forest in this area has been identified by the Regional Municipality of Hamilton-Wentworth as part of Environmentally Sensitive Area # 26 - Felker's Falls and Niagara Escarpment.

This forested area and Escarpment slope is also identified by the Ministry of Natural Resources in its study of "Significant Natural Areas Along the Niagara Escarpment" as locally significant.

The subject lands are relatively flat with a gentle slope toward the north-west.

The lands have been cleared of trees and historically used for agriculture.

Although the lands are licensed for aggregate extraction under the Pits and Quarries Control Act, extraction has not occurred on the property.

Taro Aggregate's existing operation abuts the east and southern boundaries of the property.

Urban development has proceeded on much of the lands to the west and to the south of Mud Street (See attached Air Photo).

Comment: The proposal is to amend the Mineral Resource Extraction Area designation to Urban Area in order to permit urban residential development in accordance with the Heritage Green Community - Secondary Plan.

N.B. The following does not represent a Commission position.

The proposed amendment raises the following issues:

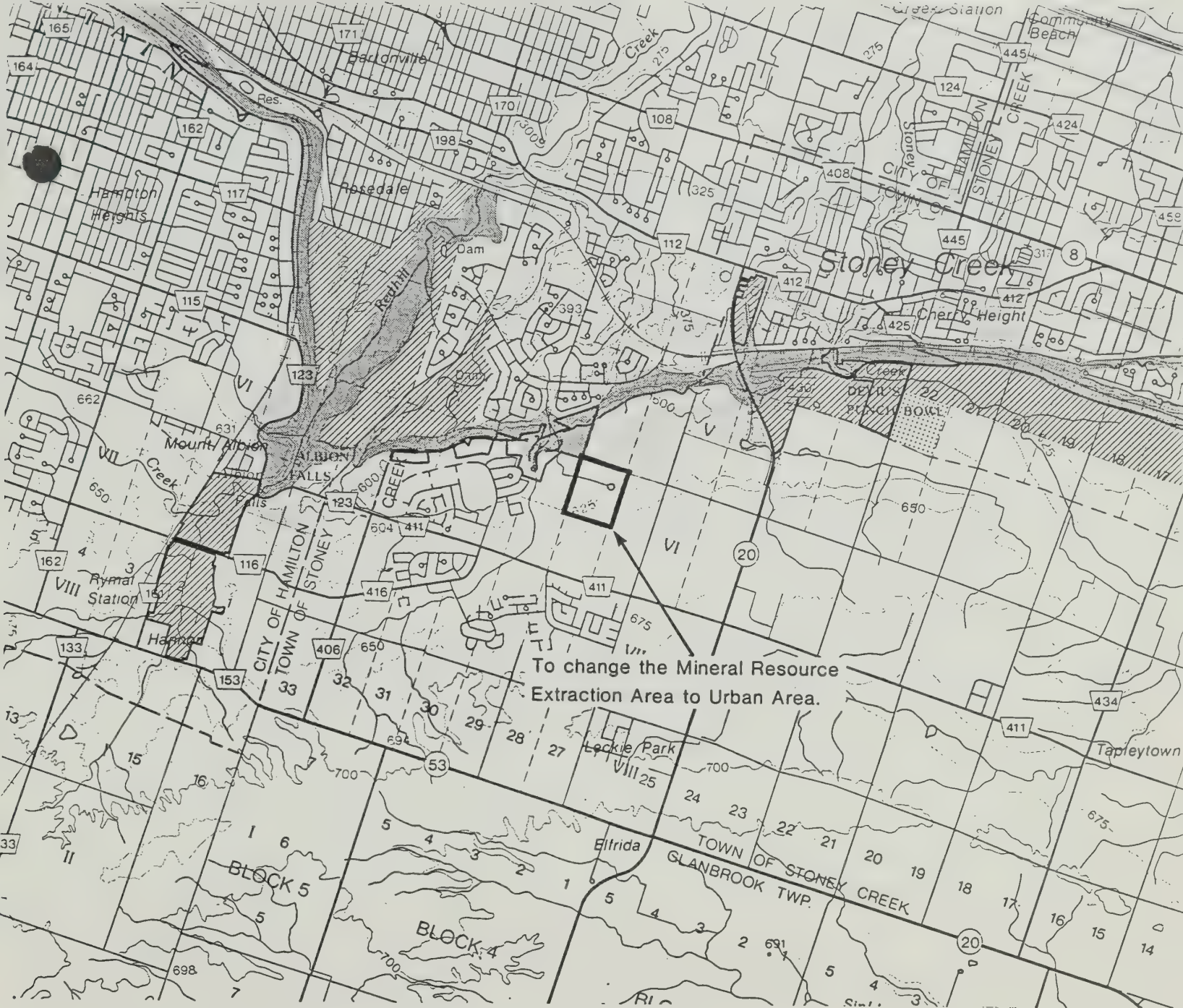
1. Should an existing licensed resource be made inaccessible in order to provide an area for residential development?
2. Provided the amendment can be justified, the Urban Area designation would comply with the Regional Municipality of Hamilton-Wentworth Official Plan, the intent of the City of Stoney Creek's Official Plan and would be a logical extension of the Urban Area designation in the Niagara Escarpment Plan.

In response to the first issue the applicant has submitted that the subject property is licensed but contains a lower quality aggregate than adjacent quarry lands. The company has relinquished the right to quarry this land when it acquired new licences on Lots 25 & 26, Concession 6 (outside the area of the Niagara Escarpment Plan).

N.B. The issues raised above do not represent a Commission position on the proposed amendment.

Recommendation:









1. That the Niagara Escarpment Commission instruct staff to prepare the proposed amendment for circulation and notification pursuant to subsection 12(2) of the Act.



SCHEDULE A

MAP SHOWING AMENDMENT NO. 42

LEGEND

Escarpment Natural Area		Urban Area	
Escarpment Protection Area		Escarpment Recreation Area	
Escarpment Rural Area		Mineral Resource Extraction Area	
Minor Urban Centre		Public Land (in Parks System)	

SCALE 1:50,000

METRES 1000 500 0 1000 2000 3000

Table of Contents

Part A - The Preamble

Part B - The Amendment

Schedule A - Location Map

Part A - The Preamble

Purpose: The purpose of the amendment is to change the Mineral Resource Extraction Area designation to Urban Area to permit urban residential development.

Location: N½ Lot 28, Concession 6, City of Stoney Creek, Regional Municipality of Hamilton-Wentworth.

Area: 20 ha (50 acres)

Applicant: Taro Aggregates Inc. (758375 Ontario Ltd.)

Agent: Miller, O'Dell and Paul (Consultants)

Basis: Under Section 12 of the Niagara Escarpment Planning and Development Act, application may be made to the Niagara Escarpment Commission by any person, ministry or municipality requesting an amendment.

The applicant, Taro Aggregates Inc., has requested an amendment to change the Mineral Resource Extraction Area designation to Urban Area in order to permit urban residential development in accordance with the draft Heritage Green Extension Secondary Plan and the policies of the Regional Municipality of Hamilton-Wentworth Official Plan.

NIAGARA ESCARPMENT PLAN AMENDMENT
APPLICATION 42/HW/88
TARO AGGREGATES LTD.
City of Stoney Creek
Regional Municipality of Hamilton-Wentworth



SUBJECT PROPERTY

CITY OF HAMILTON
CITY OF STONEY CREEK

HWY # 20

NIAGARA ESCARPMENT
PLAN BOUNDARY

CON. 5

GREEN MOUNTAIN ROAD

LOT 30

LOT 29

LOT 28

LOT 27

FIRST ROAD W.

CON. 6

LOT 26

MUD STREET

CON. 7

AMENDMENT No. 42 TO THE NIAGARA ESCARPMENT PLAN

July 28, 1988

Part B - The Amendment

The Niagara Escarpment Plan is hereby amended as follows:

- I. The Mineral Resource Extraction Area designation on the N½ Lot 28, Concession 6, City of Stoney Creek, Regional Municipality of Hamilton-Wentworth on Map 2 is deleted and replaced with an Urban Area designation as shown on Schedule A.



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February 18, 1988

**Re: Circulation and Notification of Niagara Escarpment Plan Amendment
Application 42/HW/88 Taro Aggregates Inc.**

Background:

1. Subsections 10 1(a) and (d) and subsection 12(2) of the Act require that the Niagara Escarpment Commission furnish each affected local municipality and county or Regional Municipality within or partly within the Niagara Escarpment Planning Area with a copy of a proposed amendment to the Niagara Escarpment Plan and invite the municipalities to make comments on the amendment to the Commission.
2. Subsections 10 1(b) and 12(2) require that notice of the proposed amendment be published in such newspapers having general circulation in the Niagara Escarpment Planning Area as the Commission considers appropriate.

Purpose: The purpose of this report is for the Commission to approve the recommended notification/circulation lists for the following proposed amendment:

42/HW/88 Taro Aggregates Inc.

Recommendation: The Niagara Escarpment Commission should instruct staff, pursuant to subsections 10(1) (a), (b) and (d) and 12(2) of the Act to circulate the proposed amendment to the following municipalities and provide notice in the listed newspapers with respect to the above-noted Plan amendment application.

Amendment Application	Municipalities	Area Newspapers
42/HW/88	City of Stoney Creek City of Hamilton Regional Municipality of Hamilton-Wentworth	Hamilton Spectator Stoney Creek News



Ontario

6013 C



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July 28, 1988

Re: Hearing Officers for Niagara Escarpment Plan Amendments

Background: Subsection 10(2) of the Niagara Escarpment Planning and Development Act requires the Niagara Escarpment Commission to appoint a hearing officer for each proposed amendment to the Niagara Escarpment Plan. Mr. J. A. Curtin, Chief Niagara Escarpment Development Control hearing officer, has suggested that the following appointment be made.

Recommendation: That the Commission adopt the following motion:

"In accordance with subsections 10(2) and 12(2) of the Niagara Escarpment Planning and Development Act, the Niagara Escarpment Commission hereby appoints Mr. J. W. Duncanson as the hearing officer for the purpose of conducting a hearing on proposed Niagara Escarpment Plan Amendment:

42/HW/88 (Taro Aggregates Inc.)"

F O R A C T I O N

13.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 September 21
COMM FILE:
DEPT. FILE: CI-83-B

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

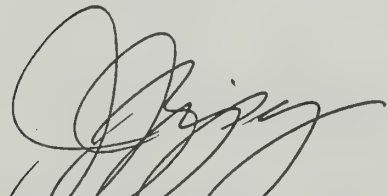
SUBJECT:

Review of Application Fees.

RECOMMENDATION

That the following application fees be increased for the processing of City Applications administered by the Planning and Development Department:

- (a) That the existing \$250.00 fee for zoning applications be increased to \$300.00 for 1989 and \$350.00 for 1990.
- (b) That the existing \$250.00 fee for an Official Plan Amendment be increased to \$300.00 for 1989 and \$350.00 for 1990.
- (c) That the existing \$400.00 fee for a combined rezoning and Official Plan Amendment be increased to \$500.00 for 1989 and \$600.00 in 1990.
- (d) That the existing \$125.00 fee for new site plan applications be increased to \$150.00 for 1989 and \$175.00 for 1990.
- (e) That the existing \$65.00 fee for an amendment to an approved site plan be increased to \$85.00 for 1989 and \$100.00 for 1990.
- (f) That the above application fees be reviewed again in 1990 for possible adjustments in the 1991/92 rates.
- (g) That the City Solicitor be directed to prepare a by-law to adopt the above fees, effective January 01, 1989 and 1990.


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

On January 27, 1987, City Council passed the following resolution:

"That the following fee structure as established be increased for the processing of City Applications administered by the Planning and Development Department:

- (a) That the existing \$120., fee for Zoning Applications be increased to \$200., for 1987 and \$250., for 1988.
- (b) That the existing \$113., fee for an Official Plan Amendment be increased to \$200, for 1987 and \$250., for 1988.
- (c) That a new fee of \$350., be established in 1987 for applications where both a rezoning and Official Plan Amendment are necessary and that it be increased to \$400., in 1988.
- (d) That the existing \$57., fee for new site plan applications be increased to \$100., for 1987 and \$125., for 1988.
- (e) That the existing \$27., fee for an amendment to an approved site plan be increased to \$50., for 1987 and \$65., for 1988.
- (f) That the above application fees be reviewed again in 1988 for possible adjustments in the 1989/90 rates.
- (g) That the City Solicitor be directed to prepare a by-law to adopt the above fees, effective January 1, 1987 and 1988."

Item (f) prescribes a review of fees for 1989 and 1990.

SURVEY OF APPLICATION FEES FROM OTHER MUNICIPALITIES

As can be seen from Table 1, a large percentage of the municipalities charge application fees significantly greater than those charged by Hamilton. The intent of the fees are to offset the cost of processing the applications.

(a) Official Plan Amendment Fees

Of the sixteen municipalities surveyed, twelve charged in excess of \$300 for the processing of an Official Plan Amendment. The range of these twelve municipalities is from a low of \$300 to a high of \$1,850.

(b) Rezoning Application Fees

Of the sixteen municipalities surveyed, eleven charge \$250 or more. The fees of these eleven municipalities ranged from a low of \$250 to a high of \$1350.

(c) Combination of Official Plan and Rezoning Application Fees

Six municipalities charge a combination fee when both a rezoning and Official Plan Amendment are required. For example, in St. Catharines, there is only a nominal charge for a second application (\$50) over and above the charge for one application (\$700). In other municipalities such as Mississauga, the combination charge (\$405) is less than if the two, rezoning and Official Plan Amendment were initiated separately ($2 \times \$235 = \470).

(d) Site Plan Application Fees

Twelve of the sixteen municipalities charge for site plan application processing. Fees are charged in one of two ways: a flat fee like St. Catharines and Hamilton, or on the basis of each dwelling unit or gross floor area, like Oakville. The fees of the twelve municipalities range from a low of \$25 to a high of \$500.

COMMENTS

1. The increase in the 1987 and 1988 fees was established on the basis that our fees should be increased at a rate that would eventually reach parity with the majority of municipalities surveyed.
2. The actual costs of processing a zoning application to the By-law stage is substantial, averaging about \$3000. These dollar figures are based on costs associated with a number of departments within the City.

It should be noted that this figure does not include applications referred to the Ontario Municipal Board which would significantly increase the costs, in some cases up to two-and-half times. The bulk of the cost is paid for by the taxpayer. Since the recipient of a zoning change often benefits substantially through increased property value, it is felt that a larger portion of the processing cost should be borne by the applicant.

3. It appears from the survey of other municipalities that our fees are significantly below average (see Table 1). Therefore, consideration should be given to increasing all fees until approximate "parity" is obtained with the majority of municipalities surveyed.

Based on the aforementioned, the following increases in the fee schedule for the 1989/90 fiscal year are appropriate:

	<u>PRESENT 1988 FEE</u>	<u>PROPOSED 1989 FEE</u>	<u>PROPOSED 1990 FEE</u>
Official Plan Amendment	\$ 250	\$ 300	\$ 350
Rezoning Applications	250	300	350
Combined Official Plan Amendment and Rezoning Applications	400	500	600
Site Plan Applications	125	150	175
Site Plan Revisions	65	85	100

CONCLUSION

Based on the foregoing, the increase of fees can be supported.

NH:CS
0330P

Table 1

APPLICATION FEES CHARGED BY OTHER MUNICIPALITIES

MUNICIPALITY	OFFICIAL PLAN AMENDMENT	REZONING APPLICATION	OFFICIAL PLAN AMENDMENT AND REZONING APPLICATION COMBINED	SITE PLAN APPLICATION	ONTARIO MUNICIPAL BOARD HEARINGS
* 1. Ancaster	\$1,000	\$750 \$500 (exempting By-law)	\$1,000	\$500	Applicant pays Town's costs.
2. Brampton	\$ 300	\$150	\$ 450	\$150	N/A
3. Brantford	\$ 200	\$200	\$ 400	N/A	N/A
4. Burlington	\$ 250 (except that, in those cases when Council determines that significant staff resources are required to process an Official Plan amendment, the applicant will be charged on a time cost basis)	1st phase (between the date of application submission and a Council decision) \$350 2nd phase (following Council approval) \$250	N/A	Site Plan: Base fee \$350 For commercial projects: Less than 1 ha Base fee + \$ 50 Equal to or greater than 1 ha and less than 3 ha Base fee + \$100 Equal to or greater than 3 ha Base fee + \$200 For industrial or commercial project adjacent to residential Base fee & \$100	N/A

Table 1 (Cont'd)

MUNICIPALITY	OFFICIAL PLAN AMENDMENT	REZONING APPLICATION	OFFICIAL PLAN AMENDMENT AND REZONING APPLICATION COMBINED	SITE PLAN APPLICATION	ONTARIO MUNICIPAL BOARD HEARINGS
4. Burlington (Cont'd)				For multiple family projects greater than 20 units Base fee + \$10/unit Minor Modifications requested by the applicant \$ 50	
5. Cambridge	\$ 365	\$365	\$ 365	\$ 30	N/A
6. Dundas	\$ 500	\$500	\$ 700	\$200 (single, semi or duplex)	N/A
7. Etobicoke	\$ 350	\$350 (if a development agreement required an additional fee of \$318)	\$ 350	\$500 (all other development)	N/A
8. Hamilton (1988 fees)	\$ 250	\$250	\$ 400	\$168 (for registration of agreement)	N/A
9. Kitchener	\$ 350	\$200 \$250 + \$25/ha when subdivision is involved	\$ N/A	\$125 (\$65 for amendment) \$25	N/A

Table 1 (Cont'd)

MUNICIPALITY	OFFICIAL PLAN AMENDMENT	REZONING APPLICATION	OFFICIAL PLAN AMENDMENT AND REZONING APPLICATION COMBINED	SITE PLAN APPLICATION	ONTARIO MUNICIPAL BOARD HEARINGS
10. London	\$150	\$150	\$250	N/A	N/A
11. Mississauga	\$235	\$235 (minimum)	\$405	\$132 (minimum)	N/A
		new residential except apts. \$74/unit		new residential, except apts. \$ 47/unit	
		new apts. \$70/unit		new apts. \$ 45/unit	
	commercial mixed industrial commercial \$665/gross ha			additions, alterations, conversions \$132/100 m ² g.f.a.	
	office commercial \$30/100 m ² G.F.A.			new non-residential \$334/4,000 m ² site area	
	mixed residential commercial \$74/unit + \$ 665/ha			additions, alterations conversions \$300/1,000 m ² g.f.a.	
	industrial, institutional, others \$160/gross ha			minor revisions \$132	

Table 1 (Cont'd)

MUNICIPALITY	OFFICIAL PLAN AMENDMENT	REZONING APPLICATION	OFFICIAL PLAN AMENDMENT AND REZONING APPLICATION COMBINED	SITE PLAN APPLICATION	ONTARIO MUNICIPAL BOARD HEARINGS
12. Oakville	\$700 (minor O.P.A. - includes rezoning)	\$585	\$700 (minor)	\$350 acre or part thereof for any use other than residential	N/A
	\$1,200 (major O.P.A. - includes rezoning)		\$1,200 (major)	\$ 35 residential unit	
				\$ 60 when landscaping plan submitted separately	
				\$ 50 amendment	
13. Oshawa	\$350	\$250 (base fee)	N/A	\$150	N/A
		Residential: (a) Single detached Semi-detached/ Dual Townhouses		\$ 50 amendment	
		(b) Apartment Building Flat Lodging House Other buildings containing 3 or more dwelling units			
		\$250 plus \$ 20 per unit			
		\$250 plus \$10 per dwelling unit			

Table 1 (Cont'd)

MUNICIPALITY	OFFICIAL PLAN AMENDMENT	REZONING APPLICATION	OFFICIAL PLAN AMENDMENT AND REZONING APPLICATION COMBINED	SITE PLAN APPLICATION	ONTARIO MUNICIPAL BOARD HEARINGS
13. Oshawa (Cont'd)		Institutional Commercial; Office	(\$250 plus \$200 for the first 0.2 ha (0.5 ac.) or a portion thereof plus \$200 for each additional 0.4 ha (1.0 ac.) of lot area or a portion thereof)	Industrial	(\$250 plus \$200 for the first 0.4 ha (1.0 ac.) or a portion thereof plus \$200 for each additional 1.0 ha (2.5 ac.) of lot area or a portion thereof)
		Other	(\$250 plus \$200 for the first 0.4 ha (1.0 ac.) or a portion thereof plus \$200 for each additional 1.0 ha (2.5 ac.) of lot area or a portion thereof)		

Table 1 (Cont'd)

MUNICIPALITY	OFFICIAL PLAN AMENDMENT	REZONING APPLICATION	OFFICIAL PLAN AMENDMENT AND REZONING APPLICATION COMBINED	SITE PLAN APPLICATION	ONTARIO MUNICIPAL BOARD HEARINGS
14. Ottawa	\$500 (1988)	\$1,000 major (1988)	N/A	\$300 major (1988)	N/A
		\$ 500 minor-add or delete one specific use		\$ 50 minor (1988)	
		reduce setbacks front yard paving (1988)			
	\$750 (1989)	\$1,500 major (1989)		\$400 major (1988)	
		\$ 750 minor (1989)		\$ 75 minor (1989)	
	\$1,000 (1990)	\$2,000 major (1990)		\$500 major (1990)	
		\$1,000 minor (1990)		\$100 minor (1990)	
15. St. Catharines	\$ 700	\$ 700	\$ 750	\$150	N/A
* 16. Stoney Creek	\$1,850	\$1,350 (General Amendment)	\$2,600	N/A	\$1,500
		\$1,100 (Site Specific Amendment)			

Table 1 (Cont'd)

MUNICIPALITY	OFFICIAL PLAN AMENDMENT	REZONING APPLICATION	OFFICIAL PLAN AMENDMENT AND REZONING APPLICATION COMBINED	SITE PLAN APPLICATION	ONTARIO MUNICIPAL BOARD HEARINGS
17. Waterloo	\$300	\$600	\$900	N/A	N/A

* NOTE: Deposit agreement to cover cost of processing agreement. Should Municipalities' costs to process application be less than deposit, the balance is refunded to applicant.

140

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1988 SEPTEMBER 21
COMM FILE:
DEPT FILES: ZA-88-53
25T-88016

SUBJECT

Request for a change in zoning - 832 West 5th Street.

RECOMMENDATION

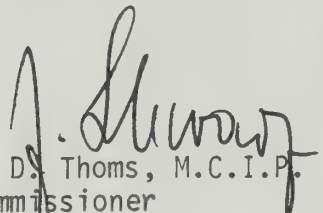
That approval be given to Zoning Application ZA-88-53, Frank Fontana, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at 832 West 5th Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

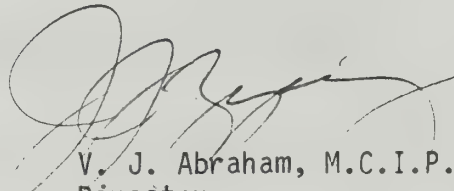
- i) That the subject land be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9B;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton planning area.

EXPLANATORY NOTE

The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at 832 West 5th Street as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit development of the subject lands for single-family dwellings.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


V. J. Abraham, M.C.I.P.
Director
Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner Frank Fontana, Hamilton, Ontario

Surveyor A. J. Clarke and Associates, Hamilton, Ontario

Location The lands, comprising 1.743 ha, are located on the west side of West 5th Street south of Limeridge Road West in the Gourley Neighbourhood, City of Hamilton.

Land Use and Zoning

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-family dwelling	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

Surrounding Lands

To the north and south	Vacant lands and single-family dwellings	"AA" (Agricultural District) and "C" (Urban Protected Residential, etc.) District
To the east	Single-family dwellings	"C" (Urban Protected Residential, etc.) District)
To the west	Vacant	"AA" (Agricultural District)

PROPOSAL

The owner proposes to rezone the lands from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to facilitate development of a plan of subdivision for single-family dwellings.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - there is no approved plan for the Stage 2 area of the Gourley Neighbourhood. However, the lands are designated "Residential - single and double" on the proposed plan which has been submitted to a public meeting and submissions are now being reviewed for future consideration of the Planning and Development Committee.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS RECEIVED

The following have advised that they have no comment or objection:

City Building Department;
City Traffic Department;
Local Architectural Conservation Advisory Committee Staff;
Hamilton Region Conservation Authority;
the Freeway Project Office.

The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains are available to service the subject lands. Separate sanitary and storm sewers to service these lands are scheduled for installation within one year.

The designated road allowance width of West 5th Street is 30.48m (120 ft.). We recommend as a condition of development approval, that sufficient lands be dedicated to the Region to establish the property line 15.24m (50 ft.) from the centreline of the original West 5th Street road allowance.

Any works within the West 5th Street road allowance must conform to the Region's Roads Use By-law.

The proposed Kernighan Neighbourhood Plan designates a street to the east side of West 5th Street immediately south of the subject lands. The offset between the street and the proposed development access to West 5th Street will likely result in conflicting left turn movements on West 5th Street through this intersection. This situation would be undesirable, therefore, comments from the City of Hamilton Traffic Department should be considered."

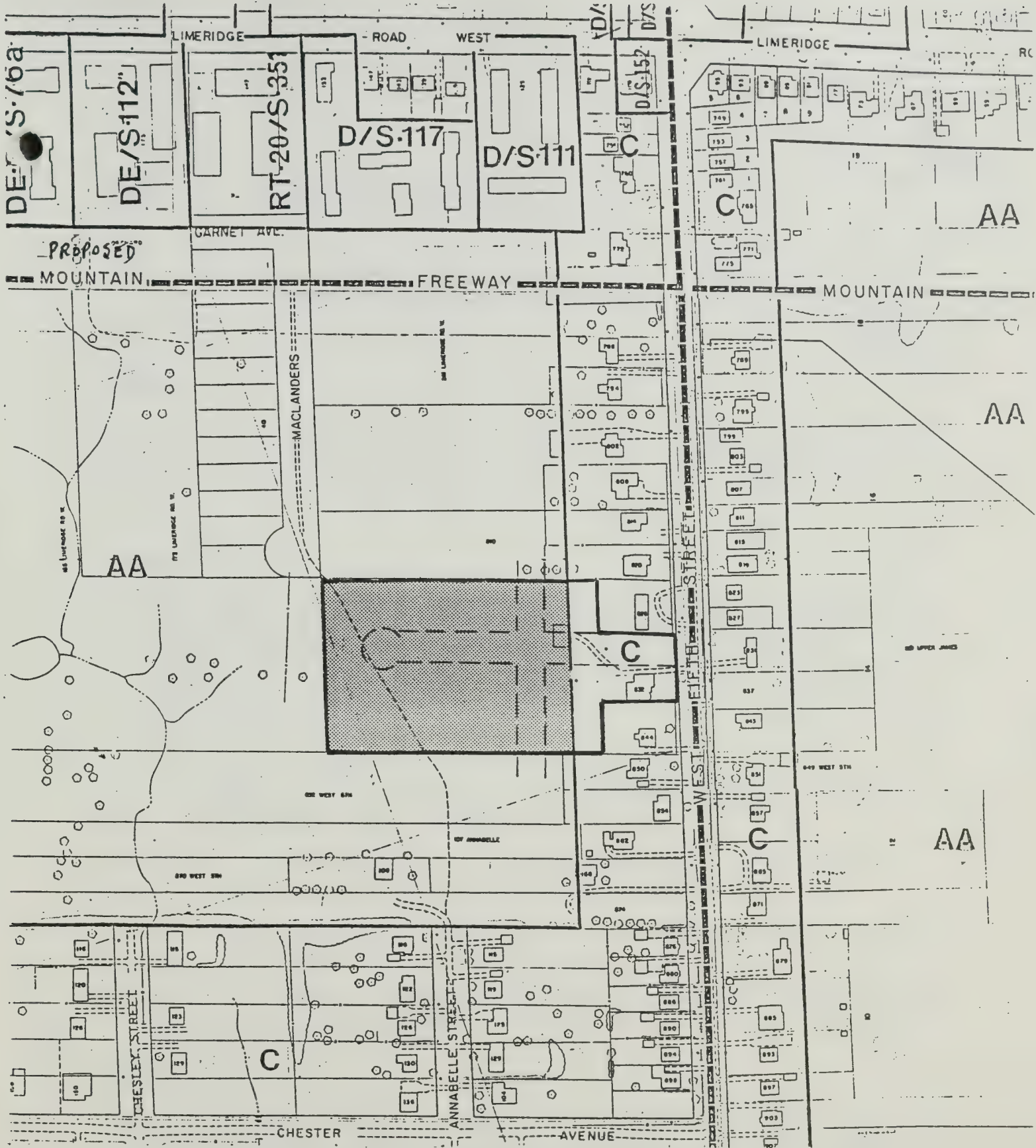
COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal implements the intent of the proposed Gourley Neighbourhood Plan which designates the lands for "Single and Double" residential development.
3. The proposed development would be compatible with existing and future land use in this area comprised of single-family and two-family development.
4. The proposed lots have sufficient lot frontage and area to meet with the requested "C" District regulations.

CONCLUSIONS

On the basis of the foregoing, the application can be supported.

JLS/jd



LEGEND



SITE OF APPLICATION



F O R A C T I O N

15.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 July 05
COMM FILE:
DEPT. FILE: ZA-88-54
 Kentley
 Neighbourhood

SUBJECT:

Request for a change in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "C" (Urban Protected Residential, etc.) District - vacant rear lands of property municipally known as 125 Centennial Parkway North.

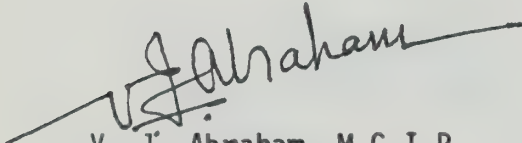
RECOMMENDATION

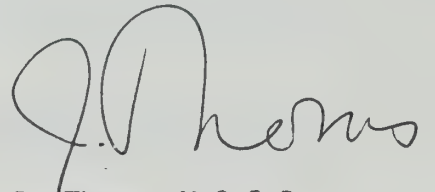
- (a) That approval be given to Zoning Application ZA-88-54, The Roman Catholic Episcopal Corporation of the Diocese of Hamilton in Ontario, owner, for a change in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "C" (Urban Protected Residential, etc.) District, for property located at the rear of property municipally known as 125 Centennial Parkway North, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the subject lands be rezoned from "L-mr-1" (Planned Development - Multiple Residential, etc.) District to "C" (Urban Protected Residential, etc.) District:
 - ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-104.
 - iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
 - iv) That the Kentley Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to a "Single and Double" residential designation.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning of lands at the rear of property municipally known as No. 125 Centennial Parkway North, as shown on the attached map marked as APPENDIX "A", from "L-mr-1" (Planned Development - Multiple Residential, etc.) District to "C" (Urban Protected Residential, etc.) District.

The effect of the By-law is to allow the subject parcel of land to be rezoned and developed in conjunction with adjoining lands to the north for single family residential purposes.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the intent of the prospective owner of the subject lands to add this narrow strip of land to the rear of lands proposed to front onto Farmington Crescent for the purpose of establishing single-family dwellings. The additional lands will increase the depth of the proposed lots from 25 m (82 ft) to 29.573 m (97.02 ft)

APPLICANT

The Roman Catholic Episcopal Corporation of the Diocese of Hamilton in Ontario

LOT SIZE AND AREA

- 4.573 m (15.0 ft) of lot width
- 109.036 m (357.73 ft) of lot depth; and,
- 498.409 m² (5,365.0 sq ft) of lot area

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Vacant	"L-mr-1" (Planned Development - Multiple Residential, etc.) District
<u>SURROUNDING LANDS</u>		
to the north	Vacant	"C" (Urban Protected Residential, etc.) District

<u>SURROUNDING LANDS</u>	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
to the south	Church	"C" (Urban Protected Residential, etc.) District, modified
to the east	Vacant lands and a car wash	"L-c" (Planned Development - Commercial District and "HH" (Restricted Community Shopping and Commercial, etc.) District
to the west	Single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Attached Housing" on the approved "Kentley Neighbourhood Plan, the proposal does not comply. Approval of the application would require redesignation of this narrow strip of land from "Attached Housing" to a "Single and Double" residential land use.

COMMENTS RECEIVED

- Building Department, Traffic Department, Local Architectural Conservation Advisory Committee Staff, Hamilton Region Conservation Authority and the Hamilton-Wentworth Engineering Department have no comments or objections to the proposed.

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal would require redesignation of the approved Kentley Neighbourhood from "Attached Housing" to a "Single and Double" residential designation. As the proposal represents a minor extension of the established "Single and Double" residential designation established on the lands to the north, and would be compatible with existing and proposed development in this area the proposal can be supported.

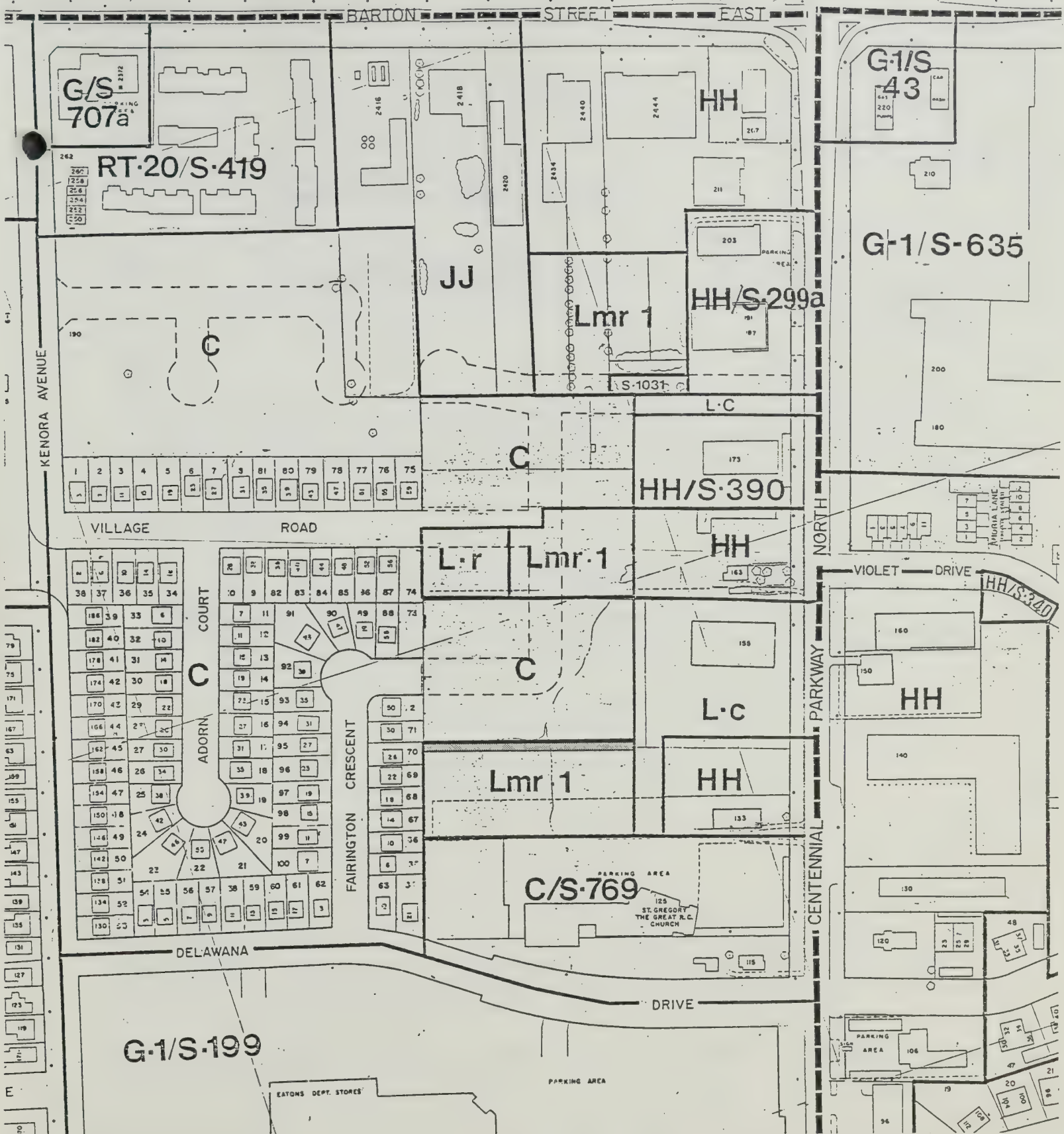
3. On September 16, 1986, the Regional Municipality of Hamilton-Wentworth granted draft approval to Subdivision Application SA-86-07 (25T-86009) A. Pompeani Enterprises Ltd., owner. Upon receiving final approval of a land severance application through the Regional Land Division Committee, the subject lands will be incorporated into the final draft plan prior to registration of the plan of subdivision.

CONCLUSION

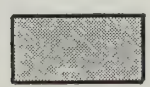
On the basis of the foregoing, the application can be supported.

GW/ma

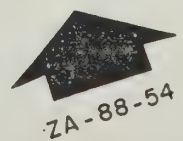
WP0136P



LEGEND



SITE OF THE APPLICATION



FOR ACTION

16.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 September 7
COMM FILE:
DEPT. FILE: ZA-88-43
Gourley
Neighbourhood

SUBJECT:

Request for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit single-family residential development - 224 Stone Church Road West.

RECOMMENDATION

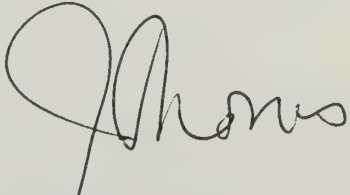
- (a) That approval be given to Zoning Application ZA-88-43, 642388 Ontario Inc., (Lorne Harbottle), owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at No. 224 Stone Church Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
 - ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17c;
 - iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at No. 224 Stone Church Road West, as shown on the attached plan marked as APPENDIX "A".

The effect of the By-law is to provide for the development of three (3) single-family dwelling lots.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

On May 31, 1988, the applicant applied for and received approval of Land Severance Applications H-91-88, H-92-88 and H-93-88 through the Regional Land Division Committee. The applications involve the conveyance of three (3) lots each having 12.19 m (40 ft.) of lot frontage along Stone Church Road West and lot areas of approximately 445.9 m² (4,800 sq. ft.), and retention of an "L" shaped parcel of land with an existing dwelling having 18.28 m (60 ft.) of frontage along Stone Church Road West, and a lot area of approximately 4,165 m², (44,841 sq. ft.). The severance applications were approved conditional upon receiving approval of a rezoning application to permit the residential lots.

APPLICANT

642388 Ontario Inc., (Lorne Harbottle), owner.

LOT SIZE AND AREA

- 54.86 m (180.0 ft.) of lot frontage on Stone Church Road West;
- 100.58 m (330.0 ft.) of lot depth; and,
- 5,518.26 m² (59,400 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	A single-family dwelling	"AA" (Agricultural) District
<u>SURROUNDING LANDS</u>		
to the north	vacant lands	"AA" (Agricultural) District
to the south	single-family dwellings	"AA" (Agricultural) District and "B" (Suburban Agricultural & Residential) District
to the east	single-family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the west	single-family dwellings and vacant lands	"AA" (Agricultural) District

OFFICIAL PLAN

Designated "Residential" the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential development on the proposed Gourley Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department has advised that:
"The three lots meet the requirements of the "C" Zoning District, however, the existing house shall maintain a 3.94' setback on the east side no measurement is shown."
- The Traffic Department, Hamilton Region Conservation Authority, and The Local Architectural Conservation Advisory Committee Staff have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised as follows:
"Please be advised that public watermains are available to service the subject lands. Sanitary and storm sewers are not yet available, however, we anticipate the installation of sewers to be completed in 1988.

We also advise that the subject properties presently accept storm water drainage from lands to the southside of Stone Church Road and the road ditches. We advise that the natural flow of water, as it exists today, not be changed until such time as the storm sewers are constructed in 1988 as scheduled.

The designated road allowance width of Stone Church Road is 30.48 m (100 feet). In conjunction with this application, we have also received Land Severance Applications H-91-88, H-92-88 and H-93-88. As a condition of severance approval, we recommended that sufficient lands be dedicated to the Region to establish the property line 15.24 m (50 feet) from the centreline of the Stone Church Road allowance.

Any work within the Stone Church Road road allowance, as widened, must conform to the Region of Hamilton Wentworth Road Use By-law.

Our records show there is a slight vertical curve on Stone Church Road West of the subject lands which restricts visibility of motorists entering Stone Church Road from the lands to be severed, but not to the extent where it becomes critical.

We also advise that the future road grade of Stone Church Road must be raised by + 150 feet. Therefore, we recommend that the applicant be advised that the driveway elevations at the widened street line be + 150 feet higher than the corresponding centreline elevation of Stone Church Road.

As this section of Stone Church Road is still constructed to a 2 lane rural cross section, we recommend that the applicant/owner contact the City of Hamilton Public Works Department for the requirement of length of diameter of culvert pipe in the access.

The application appears to conform to the intent of the Gourley Neighbourhood Plan. The rear of lands to be retained of 224 Stone Church Road West will be developed by an internal subdivision road system."

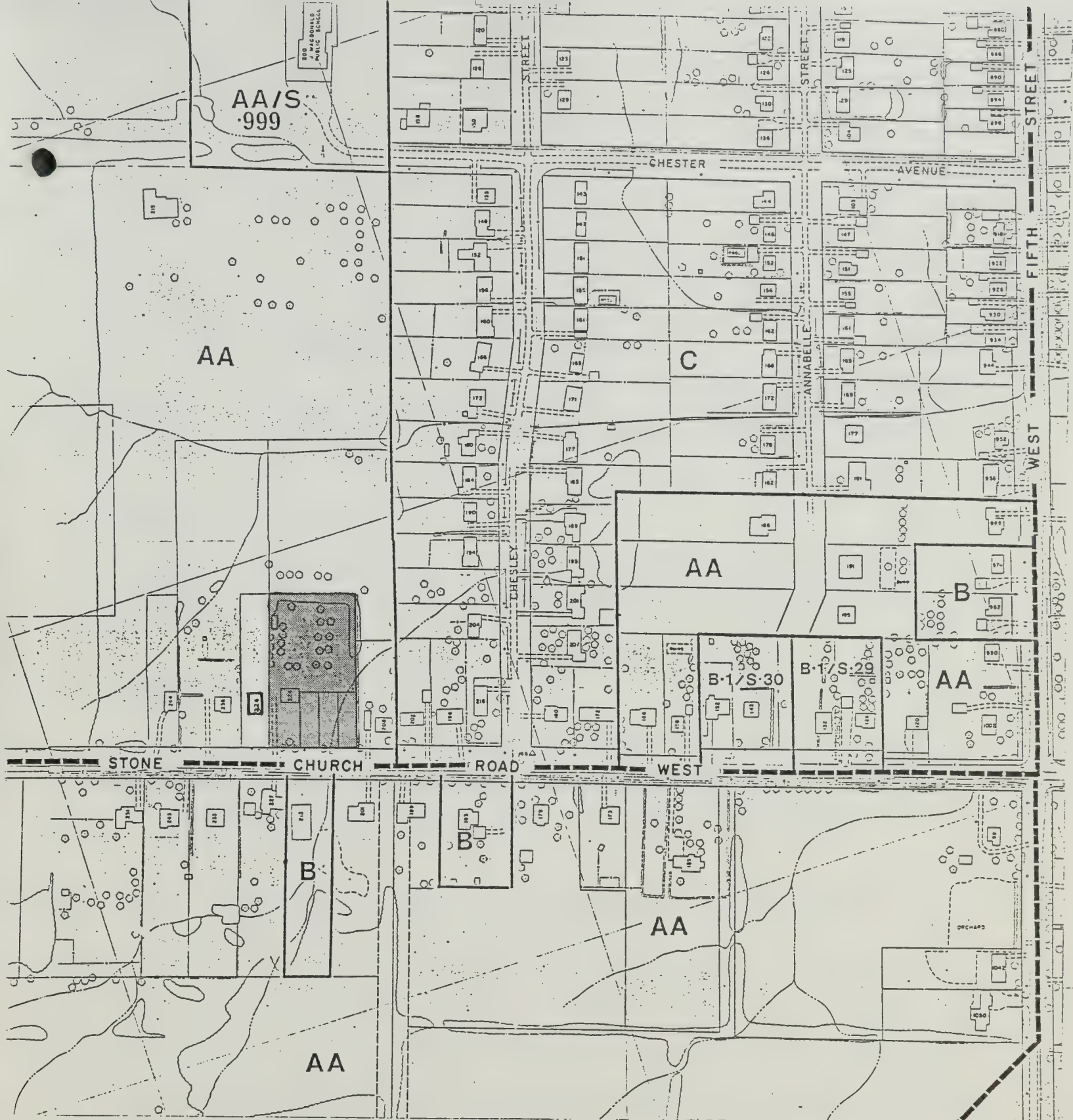
COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal complies with the proposed Gourley Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - the proposed single-family development would be compatible with existing and future residential development in the surrounding area;
 - the proposed single-family development implements the intent of both the Official Plan and the proposed Gourley Neighbourhood Plan, and as such, would not interfere with the orderly development of lands in this area.
 - the proposed lots have sufficient lot frontage and area to meet the requested "C" District requirements.
4. Matters related to road widening dedications, etc., as required by the Hamilton-Wentworth Engineering Department will be considered by the Regional Land Division Committee at the time the land severances are finalized.

CONCLUSION

On the basis of the foregoing, the application can be supported.

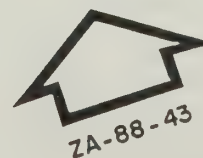
GAW/ma



LEGEND



SITE OF THE APPLICATION



17.

F O R A C T I O N

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

SEP 15 1988

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 September 12,
COMM FILE:
DEPT. FILE: ZA-88-59

SUBJECT:

Request for a modification to the established "M-13" (Prestige Industrial) District to permit a car audio installation shop within the proposed retail/warehouse building - property located at No. 1221 Stone Church Road East.

RECOMMENDATION

- a) That approval be given to Zoning Application 88-59, Dieter Casper, owner, requesting a modification to the established "M-13" (Prestige Industrial) District regulations to permit a car audio installation shop within the proposed retail/warehouse building, for property located at No. 1221 Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of Zoning By-law No. 6593 be modified to include the following variance as a special regulation:
 - a) Notwithstanding Section 17E (1) (c) of Zoning By-law No. 6593, the following additional commercial use shall be permitted:

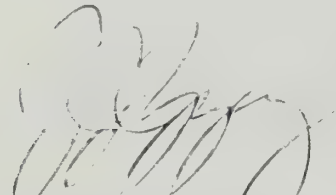
car audio sales and installations
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59C be notated S- ;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District E-59C;

- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the established "M-13" (Prestige Industrial) District for property located at No. 1221 Stone Church Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit in addition to existing "M-13" uses, a car audio sales and installations business within the building.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The applicant has rented premises at No. 1198 Stone Church Road East within an "M-14" (Prestige Industrial) District and has operated the business involving car radios, sales and service for the past six years. Recently, he acquired property at 1221 Stone Church Road East within the "M-13" District and proceeded to construct a warehouse building (Site Plan Control Application DA-88-57). However, the car audio installation shop is not a permitted use in the "M-13" District.

APPLICANT

Dieter Casper, owner.

LOT SIZE AND AREA

- 38.1 m (125.0 ft.) of lot frontage on Stone Church Road East;
- 86.28 m (283.08 ft.) of lot depth; and,
- approximately 3,287.46m² (35,387.08 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Warehouse building under construction	"M-13" (Prestige Industrial) District
<u>Surrounding Lands</u>		
to the north	Hamilton Fire Department Training Centre/Fire	"M-13" (Prestige Industrial) District Hall
to the south	Industrial uses	"M-14" (Prestige Industrial) District
to the east	Vacant lands	"M-13" (Prestige Industrial) District
to the west	Roller skating rink and mini golf course	"M-13" (Prestige Industrial) District

OFFICIAL PLAN

Designated "Industrial", the proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated for "Multicentre" purposes on the approved Trenholme Neighbourhood Plan and form part of the Quinndale Multicentre. The proposal complies.

COMMENTS RECEIVED

- The Building Department has advised that:
"The use of car audio sales and installation is under the Industrial Standards Classification Identification No. 6342 (Tire, Battery, Parts and Accessory Stores). This use is only permitted in a "M-11" District."

- The Traffic Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee staff have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains, as well as storm and sanitary sewers, are available to service the subject lands.

No further road widenings are anticipated at this time.

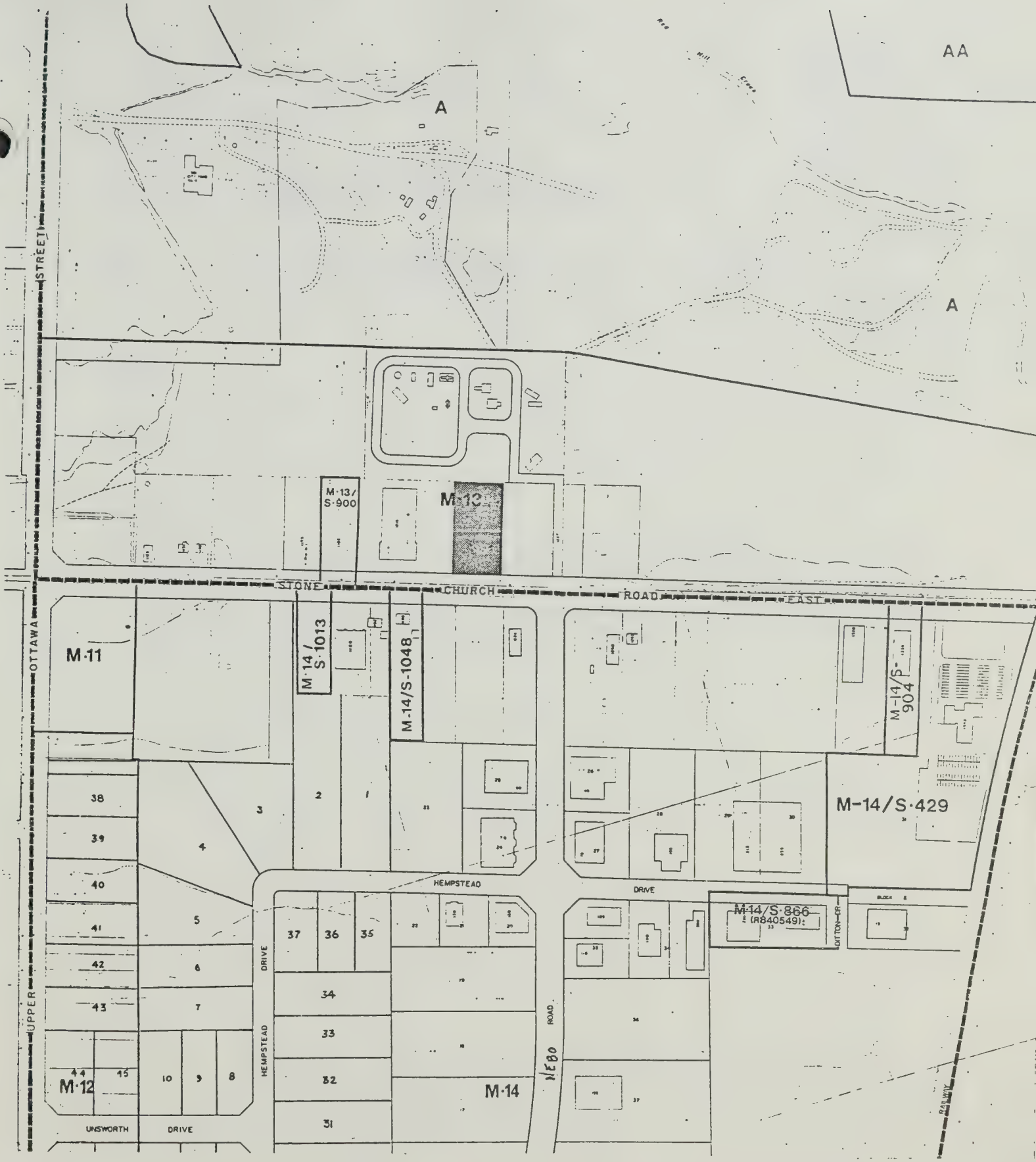
Any works within the Stone Church Road road allowance as widened, must conform to the Region's Road Use By-law. Comments should be obtained from the Traffic Department concerning accesses, sight distances, etc."

COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal complies with the intent of the approved Trenholme Neighbourhood Plan, the Quinndale Multicentre Plan and with approved Mountain Industrial Plan which designate the subject lands for "Multi-Centre" use.
3. The proposal has merit and can be supported for the following reasons:
 - it is situated on a major arterial road;
 - it would be compatible with surrounding land uses, including commercial to the west and south, industrial uses to the south and east, as well as the Fire Department facilities to the north.
 - the use is already permitted within the "M-14" District and has been operating from a building located on the opposite side of the road at 1198 Stone Church Road East for the past six years without any apparent problem.
4. Under the "M-13" District provisions, the lands are subject to Site Plan Control By-law 79-275 as amended by By-law 87-223.

CONCLUSION

Based on the foregoing, the proposal can be supported.



Legend



Site of the Application



F O R A C T I O N

18.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 September 21
COMM FILE:
DEPT. FILE: ZA-87-121
 Stinson
 Neighbourhood

SUBJECT:

An amended application requesting a change in zoning - No. 181 Victoria Avenue South.

RECOMMENDATION

- (a) That approval be given to Zoning Application ZA-87-121, Ortega Properties Ltd., prospective owner, requesting a change in zoning from the "L-mr-2" (Planned Development - Multiple Residential) District to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, for property located at No. 181 Victoria Avenue South, as shown on the attached map marked as APPENDIX "A", on the following basis:
- (i) That the subject lands be rezoned from the "L-mr-2" (Planned Development - Multiple Residential) District to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
 - (ii) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - 1) That notwithstanding Section 11.(3)(i)(b) a minimum front yard depth of at least 6.5 m shall be provided along Victoria Avenue.
 - 2) That notwithstanding Section 11.(3)(ii)(b) no residential building shall be located less than 15.0 m from the southerly side lot line.
 - 3) That a berm or combination berm and noise attenuation fence, having a total height of not less than 4.0 m above the top of rail shall be erected and maintained on the property parallel to the CP Rail right-of-way. The berm portion shall have a minimum height of 2.0 m above top of rail.
 - 4) That a 1.8 m high chain link fence shall be erected and maintained along the boundary of the southerly side lot line.

- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-14 be notated S- ;
 - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-14 for presentation to City Council;
 - (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the approved Site Plan be registered on title.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from the "L-mr-2" (Planned Development - Multiple Residential) District to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for property located at No. 181 Victoria Avenue South, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the construction of an 8 storey - 46 unit apartment building.

In addition, the By-law provides for the following variances as special requirements:

- That a minimum front yard depth of 6.5 m shall be provided along Victoria Avenue South, whereas 12.0 m is required.
- That no residential building shall be located less than 15.0 m from the southerly side lot line.
- That a berm or combination berm and noise attenuation fence, having a total height of not less than 4.0 m above the top of rail be erected and maintained on the property parallel to the CP Rail right-of-way. The berm portion shall have a minimum height of 2.0 m above top of rail.
- That a 1.8 m high chain link fence shall be erected and maintained along the boundary of the southerly side lot line.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Proposed Development

The applicant had originally proposed to develop an 8 storey - 93 suite apartment building. However, due to the concerns of CN and CP Rail the applicant has amended the application and proposes the following:

- 8 storey apartment building;
- 46 units;
- 59 parking spaces; and
- 25% landscaping.

● By-law No. 76-248

The subject lands were rezoned from "J" (Light and Limited Heavy Industry, etc.) District to "L-mr-2" (Planned Development - Multiple Residential) District under By-law 76-248 which was passed on September 14, 1976 as partial implementation of the "Developed Neighbourhood (Plan and Programme) for the Stinson, St. Clair and Blakely Neighbourhoods".

APPLICANT

Ortega Properties Ltd., prospective owner.

LOT SIZE AND AREA

The subject property is an irregularly shaped through lot having approximately:

- 38.91 m (127.65 ft.) of frontage on East Avenue South;
- 34.27 m (112.43 ft.) of frontage on Victoria Avenue South; and
- 0.42 ha (1.04 ac) of lot area.

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Vacant	"L-mr-2" (Planned Development - Multiple Residential) District

SURROUNDING LANDS

to the north	Single-family & Two-family residential and Residential Care Facility.	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, and "E" (Multiple Dwellings, Lodges, Clubs, etc.) District.
to the south	Railway line(s) and Industrial (vacant).	"JJ" (Restricted Light Industrial) District and "A" (Conservation, Open Space, Park and Recreation) District.
to the west	Claremount Access.	"A" (Conservation, Open Space, Park and Recreation) District.
to the east	Single-family two-family and multiple residential.	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District.

OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use concept of the Official Plan. The following policies, among others, apply:

- A.2.1.1. The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable...
- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
 - i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,

- ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower density uses.

- A.2.1.15 Prior to the approval of RESIDENTIAL development adjacent to railway rights of way, Council will have regard for the requirements of Subsection B.3.5, Rail Service.

With respect to the location of the subject lands adjacent to a railway right of way, the following policies, among others, would apply:

- A.3.5.2 In this regard, special provisions will be established through detailed Neighbourhood Plans or when reviewing major development and/or redevelopment proposals to protect land uses adjacent to RAIL lines and in accordance with the following provisions:
 - i) Prior to the approval of residential and institutional development or redevelopment proposals adjacent to RAIL lines, Council may require that a study and analysis of noise, vibration and air quality be carried out by the owner. Such a study will be to the satisfaction of Council in consultation with the Region and appropriate agencies and according to terms of reference established by Council in consultation with others;
 - ii) Additional setback and buffer requirements for abutting non-industrial land uses to reduce the level of noise and vibration generated by trains;
 - iii) Utilization of special building construction techniques; and,
 - iv) Compliance with the provisions of Policy B.3.1.16 and Subsection C.7.
- A.C.7.8 Council may require appropriate measures to moderate the effects of noise, visual intrusion or other undesirable impacts on new RESIDENTIAL developments adjacent to...Railway Lines.

In addition, the subject lands are located within SPECIAL POLICY AREA 1(b) on Schedule "B", and are subject to the policies of SUBSECTION A.2.9.1 - NIAGARA ESCARPMENT, including the following:

- A.2.9.1.1 The lands shown on Schedule "B" as SPECIAL POLICY AREA 1 lie within the recommended NIAGARA ESCARPMENT Planning Area. To implement the proposed Plan for the NIAGARA ESCARPMENT, SPECIAL POLICY AREA 1 is subdivided as shown on Schedule "B" into Areas '1a' and '1b', for which the following provisions will apply:

- i) It is intended that Area '1a' be maintained undisturbed in a natural setting...
- ii) It is intended that development in Area '1b' will have a minimal impact on the adjacent ESCARPMENT (Area '1a'). Accordingly, the nature of development as defined in Schedule "A" for this Area, will be at a density, scale and height which is compatible with the ESCARPMENT.

In summary, the proposal is a permitted use within the "Residential" designation, and would not conflict with the intent of the Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated for "Medium Density Apartments" on the approved Stinson Neighbourhood Plan. The proposal complies.

RESULTS OF CIRCULARIZATION

- The Building Department has advised as follows:

- "1. Front yards: 12.0 m from Victoria Avenue South
Side yards: 9.31 m both sides
- 2. No part of the required parking area shall be located in the required front yard (Section 18A (14)).
- 3. The access driveway shall be located 3.0 m from the northerly common boundary between the residential districts. (Section 18A(25))."

- The Traffic Department has advised as follows:

"In accordance with the Zoning By-law 6593, one loading space 18.0 m by 3.7 m is required for the proposed development. The preliminary plan does not designate the required loading space or provide adequate manoeuvring for semi-trailers adjacent to the service area.

The proposed 46 unit multiple dwelling will generate approximately 230 trips per day of which 25 will be during the afternoon peak hours. All traffic generated by this development will be added to the existing traffic on East Avenue."

- The Niagara Escarpment Commission has advised as follows:

"...no objection provided that the height of the proposed building is no higher than 7 storeys. Staff will not support the proposed 8 storey building.

With respect to other aspects of the site plan, staff has no objection."

- The Hamilton Region Conservation Authority has no objection.

- The Hamilton-Wentworth Department of Engineering has advised as follows:

"...public watermains and sewer services are available on East Avenue.

No further road allowance widenings are anticipated at this time.

The preliminary site plan is acceptable but cannot be approved until sufficient details are added to the plan."

- The CN Railway has advised as follows:

"We have reviewed your notice dated 20 June 1988 regarding the above application and offer no objections. However, we note that our tracks fall within earshot (300 m) of the proposed development. Hence, we recommend that the Owner insert in all offers of sale and purchase or lease and register on title on the land, the following clause:

All persons intending to acquire an interest in the real property by purchase or lease are advised of the existence of the right-of-way of the Canadian National Railway. In future, it is possible that such rail facilities may be altered or expanded, which expansion or alteration may affect the living environment of residents despite the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units and that the Canadian National Railway will not be responsible for complaints or claims arising from its use of its facilities and/or arising from its operations."

- The CP Railway has advised as follows:

"We have no objection to the noise attenuation fence terminating where shown just east of the proposed 46 suite apartment. However, we request that the berm be constructed entirely on the developer's property, as per Clause 1 of our letter dated May 30, 1988...

Otherwise our comments remain the same as in our letter of May 30, 1988." (see attached APPENDIX "B").

- The Ministry of Environment has verbally advised they have concerns respecting potential noise and vibration impacts from train traffic on the adjoining railway, and from truck traffic on the Claremount Access.

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the approved Stinson Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

- the established "L-mr-2" (Planned Development - Multiple Residential) District functions as a holding zone which provides for future multiple residential development. The requested "E" (Multiple Dwellings, Lodges, Clubs, etc.) District zoning is one of the designated districts to which the "L-mr-2" District can be converted;
- it implements the intent of the Official Plan which designates the lands for "RESIDENTIAL" use;
- it implements the intent of the approved Stinson Neighbourhood Plan which designates the lands for "Medium Density Apartments";
- it would be compatible with existing and future intended uses in the surrounding area. In this regard, the subject lands are located in a mixed-residential area ranging in use from single-family dwellings to multiple family dwellings (apartments). In addition, the lands are bordered by railway lines to the south and the Claremont Access to the west.

With respect to future intended uses, the approved Stinson Neighbourhood Plan designates the adjoining lands to the north for "LOW DENSITY APARTMENTS" and "SINGLE, DOUBLE AND ATTACHED HOUSING", and the lands to the east for "MEDIUM DENSITY APARTMENTS"; and

- the proposed "E" District zoning would be consistent with established zoning in the surrounding area (i.e. "E" District to the north and east; "D" District to the north).

4. On the basis of a preliminary Site Plan, the Building Department has advised of the following variances:

- Front Yard

In accordance with Section 11.(3)(i)(b) a minimum front yard of 12.0 m (39.37 feet) is required along Victoria Avenue South because the subject lands adjoin an "A" (Conservation, Open Space, Park and Recreation) District. Considering that the adjoining "A" zoned lands include part of railway right-of-way, and the proposed setback is 6.55 m (21.48 feet) which is greater than that provided/required for the adjoining residential properties to the north, the variance is considered to be minor in nature and can be supported.

- Access Driveway

In accordance with Section 18A.(25) the access driveway shall be located not less than 3.0 m from the northerly common boundary between the subject property and the adjoining residential ("D") District, whereas the applicant has provided a service entrance along the boundary line.

Considering that:

- i) the proposed access abuts the rear yards of single-family dwellings fronting onto Webber Street; and
 - ii) the applicant is proposing a 9.4 m building setback from the side yard within which the access driveway could be appropriately located,
- the variance is not appropriate and cannot be supported.

4. With respect to the recommendations of CP Rail, the following additional requirements should apply:

- A berm or combination berm and noise attenuation fence, having a total height of not less than 4.0 m above the top of rail should be erected and maintained on the property parallel to the CP Rail right-of-way. The berm portion shall have a minimum height of 2.0 m above top of rail.
- No residential building shall be located less than 15.0 m from the southerly side lot line.
- A 1.8 m high chain link fence shall be erected and maintained along the boundary of the southerly side lot line.

The other concerns of CP Rail and CN Rail respecting warning clauses, noise levels, drainage, etc., can be reviewed under Site Plan Approval. In this regard, the applicant should be required to register the Site Plan on title so that any clauses respecting warnings, etc., can be implemented/enforced.

5. With respect to the Niagara Escarpment Commission's recommendation that the maximum height of the proposed building be restricted to no higher than 7 storeys, it should be noted that:

- all of the designated districts to which the established "L-mr-2" District can be converted would allow for a maximum height of 8 storeys, as proposed;
- adjoining lands to the north and east are zoned "E" (Multiple Dwellings, Lodges, Clubs, etc.) District which allow for a maximum height of 8 storey's, as proposed; and
- the difference between 7 and 8 storeys in height (approx. 10-15 feet), is not considered significant enough to negatively impact on the character of the Escarpment.

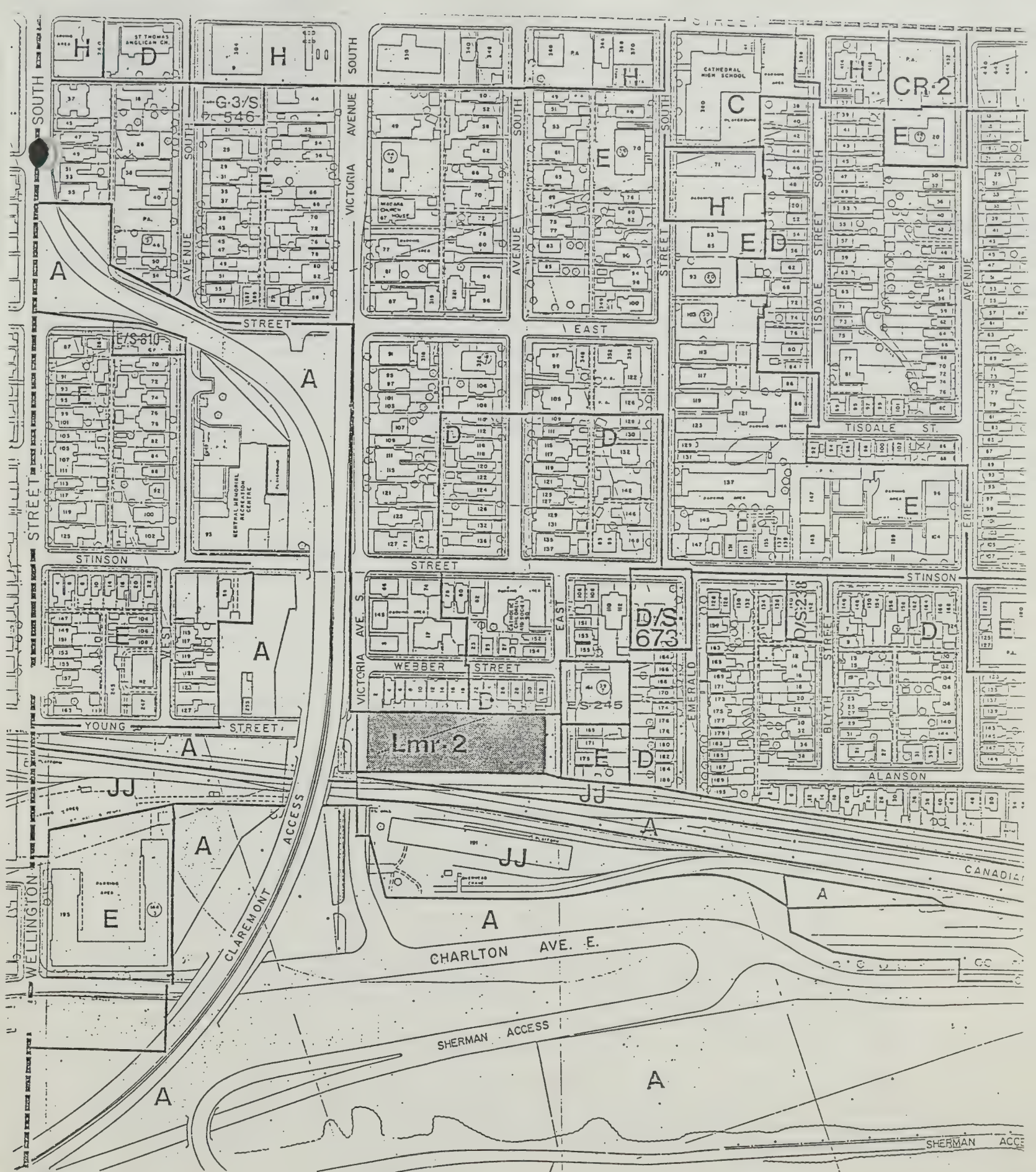
In view of the foregoing, the recommended height restriction cannot be supported. Furthermore, it should be noted that the applicant has substantially reduced the number of proposed units (from 93 to 46), in order to accommodate the concerns of CN and CP Rail. In this regard, a restriction on building height would further reduce the number of units which would be an unnecessary hardship.

CONCLUSION

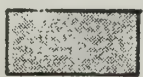
On the basis of the foregoing, the application can be supported.

PDM/ma

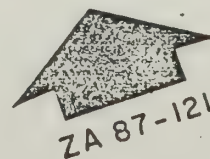
WP0057P



LEGEND



SITE OF THE APPLICATION



ZA 87-121

PLANNING & DEVELOPMENT
LOCAL PLANNING BOARD

File No. _____

JUN 06 1983

TO _____

DATE _____

4-WEL-36.92

7-121

CART

Our File
Your File

Our File: 620.4-WEL-36.92
Your File: ZA-87-121

Attention: Mr. John J. Zipay, M.C.I.P.

Re: Amended Zoning Application ZA-87-121 for a change in zoning from
"Lmr-2" to "E" at 181 Victoria Avenue South
Mileage 36.92 Welland Subdivision

We have reviewed the above-mentioned proposal and wish to state our opposition to it. Residential development in close proximity to our right-of-way is not compatible with Railway operations. The health, safety and welfare of residents could be adversely affected by our activities; however, should the application be approved, CP Rail requests the following conditions be imposed on the development:

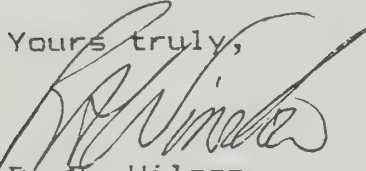
- The requirement for a noise attenuation fence can be omitted (only 2.0 m. berm required) provided the Developer carries out ground vibration tests and a noise study and the recommendations meet the requirements of Conditions 3 and 4.

2. Dwellings should be set back a minimum distance of 15 meters from the property line. Unoccupied buildings, such as garages may be exempted.
3. Ground vibration transmission to be determined through site tests. If in excess of acceptable levels, all dwellings within 75 meters of the nearest track should be protected, possibly by means of rubber pads installed between the foundation and occupied portion. The vertical natural frequency of the structure on the pads should not exceed 12 Hz.
4. Dwellings must be constructed such that interior noise levels meet the criteria of the appropriate Ministry.
5. Clauses to be registered on and run with the title of all properties within 300 meters of our right-of-way warning prospective purchasers of the Railway's presence and also that the Railway will not take responsibility for complaints as a result of noise, vibration, air quality, etc., generated by present and/or future operations.
6. There shall be no increase or change in the direction of natural drainage affecting Railway property without first obtaining written consent from the Railway.
7. Any proposed utilities under or over Railway property to serve the development must be approved prior to their installation and be covered by the Railway's standard agreement.
8. A six-foot high chain link fence be constructed and maintained along the common property line of the Railway and development by the developer at his expense.

To ensure the safety and comfort of adjacent residents and to mitigate as much as possible the inherent adverse environmental factors, your assurance that the above conditions will be imposed on the developer would be appreciated.

I would appreciate being advised of your decision regarding this application in due course.

Yours truly,



B. D. Wilson,
Acting Superintendent
AGM/sj

c.c. Mr. Joseph P. Rocchi
Barrister & Solicitor
120 Hughson Street South
HAMILTON, Ontario
L8N 3N9

8 Webber Street
Hamilton, Ontario
L8N 1W3

18a.

September 16, 1988

SEP 20 1988

Planning and Development Committee
The Corporation of the City of Hamilton
City Hall
Hamilton, Ontario
L8N 3T4

Dear Sir/Madam:

Reference: File #ZA-87-121

We are opposed to the proposal to amend zoning from "L-mr-2" to "E" on 181 Victoria Avenue South for the following reasons:

1. There are currently six (6) apartment buildings and one (1) residential group home one block south of the planned development. Parking problems caused by the residents of these buildings forced the residents of Webber St. to obtain permit parking several years ago. Still there are several parking violations. To add yet another high density development with minimal parking would further aggravate the parking problem.
2. A development of eight (8) stories would completely block out sunlight and a view of the mountain. We currently face apartment buildings on the north side of Webber Street.
3. An existing home named "Webber House" at 2 and 4 Webber St. is operated as a group home for teenagers. The Webber Street neighbourhood is constantly subjected to noise, foul language and police visits, because of the residents of this house. We are deprived of peace and quiet and enjoyment of our homes. To add a high density development could increase the noise.

Robert Smith
Deputy Mayor

We appreciate that Ortega Properties wish to develop the property, but we feel that the proposed development is not suitable for the neighbourhood, but that a one or two storey single family home development would be more appropriate.

Thank you.

Yours sincerely,

Mr. Reid Jordan

Mrs. Regina Jordan

Regina Jordan

Reid Jordan

September 13, 1988

18b.

The Secretary,
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

SEP 15 1988

Dear Secretary: RE: APPLICATION RECEIVED FROM ORTEGA
 PROPERTIES LTD. FOR A CHANGE IN
 ZONING - 181 Victoria Ave. South

My wife and I are writing this letter to voice our concerns regarding the proposed change in zoning to permit development of a 46 unit apartment building.

We have resided at this address for 27 years. Over this period of time many changes have occurred to our neighbourhood. Unfortunately some of the changes have included an influx of half-way homes for juveniles/young offenders and boarding homes for the chronically disabled. Three homes were demolished to make way for the construction of a large apartment building on East Avenue South. More recently a one and a half storey single family home was converted to accommodate three families (for rental). How this could happen we cannot understand.

It is because of our many past experiences that we strongly wish to voice our opposition to such a proposal to our neighbourhood.

- * We do not want an increase in the density of the population in our neighbourhood.
- * We do not want noise late at night!
- * We do not want an increase in traffic!

The construction of the Claremont Access destroyed most of the South Centre parkland. Why did the city not pay back the residents with parkland when this land was available for sale? It seems ironic that an apartment to accommodate more families is being proposed in an area without adequate parkland, parking, etc. Where will their children play?

Perhaps the developer should look to new horizons i.e. ANCASTER.

WE ARE SICK AND TIRED OF BEING SINGLED OUT TO BE UNNECESSARILY CROWDED!

Sincerely, *A. Burbulevicius*

A. Burbulevicius
A. Burbulevicius
25 Webber Avenue
Hamilton, Ontario L8N 1W4

Let's be friends



14th September = 88
27 Webber Avenue
Hamilton = Ontario.
L8N1W4.

18c.

Re = 27 Webber Avenue Vs. 181 Victoria Avenue South.

Re = Proposed change in Zoning =
From L = Mr 2 = to E.

I OBJECT to the erection of
This proposed Apartment Building because
of =
-1- The High Density =
Webber Avenue = a one block residential
street has a seven (7) storey Apartment
Building on East Avenue facing Webber
Avenue and the cement wall of The
Claremont Access on Victoria Avenue.
There is a Four storey Apartment Building
on the North side of Webber Avenue at
Victoria Avenue = Also on the North
side is the large three (3) storey
original Grantham Homestead =
17 Webber Avenue = converted into
a number of Apartments.
We also have to contend with
Webber House.

= 2 =

= 2 = Traffic =

Webber Avenue is a Permit Parking Street with Two (2) Way Traffic. The increased flow of Traffic generated by the addition of 59 cars would be terrific, and congestion.

23 Webber Avenue was converted into three Apartments: with the only parking space being for one (1) car in the driveway. Visitors park in front of the house, and next door, partly on the sidewalk.

= 3 = Small children: Pre schoolers to Grades 1 and 2 play on the street: riding their small bicycles on the roadway. Boys gather on the street with their bicycles = play street hockey = play with Soccer Balls.

WHERE are children from 181 Victoria Avenue South going to play but on Webber Avenue? They won't bother to go down to Carter Play ground on Stinson Street.

= 3 =

= 4 = Water Pressure =

Can the owners guarantee
that our Water Pressure won't
be affected?

= 5 = Why should we be hemmed in by
an Apartment on the East = a wall
on the West and an 8 storey
Apartment Building on the South
depriving us of Air and blocking
our View of the Mountain?

Pearl Jones
(Miss Pearl Jones)

Secretary Planning and Dev

18d.

I cannot believe anyone that has inspected the area would entertain an 8 story structure on that site in this area. The parking is at the critical stage, in other words there is none and to add an 8 story structure with 46 units is not acceptable.

An 8 story structure will also reduce the quality of life by ~~total~~ ~~total~~ to the obstructing any view of the mountain side.

Yours Truly,

Don MacFarlane

111 Argonaut Station

Sept 15/88

Secretary Planning and Dev. Committee

I cannot believe anyone that has inspected the area would entertain an 8 story structure on that site in this area. The parking is at the critical stage, in other words there is none and to add an 8 story structure with 46 units is not acceptable.

An 8 story structure will also reduce the quality of life by ~~totally~~ totally obstructing any view of the mountainside.

Yours Truly,

Don MacFarlane

Margaret Watson

PROPOSED CHANGE IN ZONING FROM L-MR-2 TO E

PROPERTY DESCRIPTION - NO 181 VICTORIA AVE SOUTH

I AM IN FAVOUR OF ()

OPPOSED TO (✓) (PLEASE CHECK (V) WHICH)

THIS PROPOSED ZONE CHANGE

Donald MacFarlane

Margaret Watson

.....SIGNED

WATSON MARGARET OR OCCUPANT
MACFARLANE DONALD ✓
17 WEBBER AVE APT 4
HAMILTON, ONT

L8N 1W4

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 526-4445

FOR ACTION

19.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 September 8
COMM FILE:
DEPT. FILE: ZA-88-52
Templemead
Neighbourhood

SUBJECT:

Request for a change in zoning - strip of land between Upper Gage Avenue and Rita Avenue in the area south of Stone Church Road East.

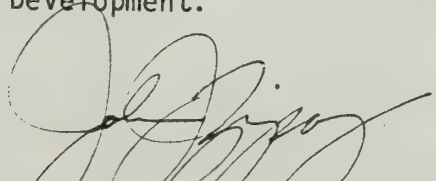
RECOMMENDATION

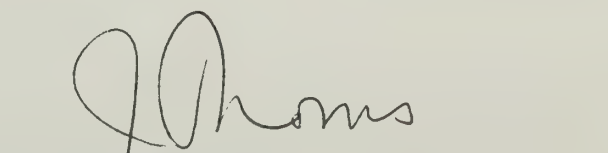
- (a) That approval be given to Zoning Application ZA-88-52, 660555 Ontario Limited, prospective owner, requesting a change in zoning from the "AA" (Agricultural) District to the "RT-30" (Street-Townhouse) District for property located between Upper Gage Avenue and Rita Avenue in the area south of Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:
- (i) That the subject lands be rezoned from the "AA" (Agricultural) District to the "RT-30" (Street-Townhouse) District.
 - (ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D for presentation to City Council.
 - (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of this By-law is to provide for a change in zoning from the "AA" (Agricultural) District to the "RT-30" (Street-Townhouse) District for a strip of land between Upper Gage Avenue and Rita Avenue in the area south of Stone Church Road East, as shown on the attached key map.

The effect of the By-law is to permit the use of the subject land in conjunction with adjoining land to the south for future Street-Townhouse Development.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- By-law No. 88-129

By-law No. 88-129 was passed by Council on May 10, 1988. The purpose of the By-law was to provide for a change in zoning from the "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to the "RT-30" (Street-Townhouse) District, for adjoining lands to the south.

The effect of the By-law is to permit development of the lands for street townhouses.

- Proposed Development

The applicant proposes to add the subject lands to the adjoining lands to the south (see By-law No. 88-129 above), thereby allowing the construction of 1 additional street townhouse unit.

APPLICANT

660555 Ontario Limited (Milan Maravich).

LOT SIZE AND AREA

A landlocked parcel of land having approximately:

- 6.1 m (20 ft.) of width fronting on the future extension of Rita Avenue;
- 48.98 m (160.7 ft.) of lot depth; and,
- 297.34 m² (3,200 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Vacant	"AA" (Agricultural) District

SURROUNDING LANDS

to the north and east	Vacant	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified
to the south	Vacant, single-family dwelling and three family dwelling	"RT-30" (Street-Townhouse) District and "DE-3" (Multiple Dwellings) District modified
to the west	Single-family dwellings and vacant	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated for "LOW DENSITY APARTMENTS" in the approved Templemead Neighbourhood Plan. Approval of the application would require a redesignation to "ATTACHED HOUSING".

RESULTS OF CIRCULARIZATION

- the following agencies have no comment or objection:
 - Hamilton Region Conservation Authority;
 - Building Department; and,
 - Traffic Department
- The Hamilton-Wentworth Department of Engineering has advised as follows:

"...presently, there are neither public watermains nor storm or sanitary sewers available to service the subject lands.

The actual dimensions of the lands to be rezoned may vary slightly, due to the possibility of adjustment to the Rita Avenue road allowance limits. This adjustment would occur to establish Rita Avenue in accordance with our geometric design standards."

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. Approval of the application would necessitate an amendment to the approved Templemead Neighbourhood Plan to redesignate the subject lands from "LOW DENSITY APARTMENTS" to "ATTACHED HOUSING".

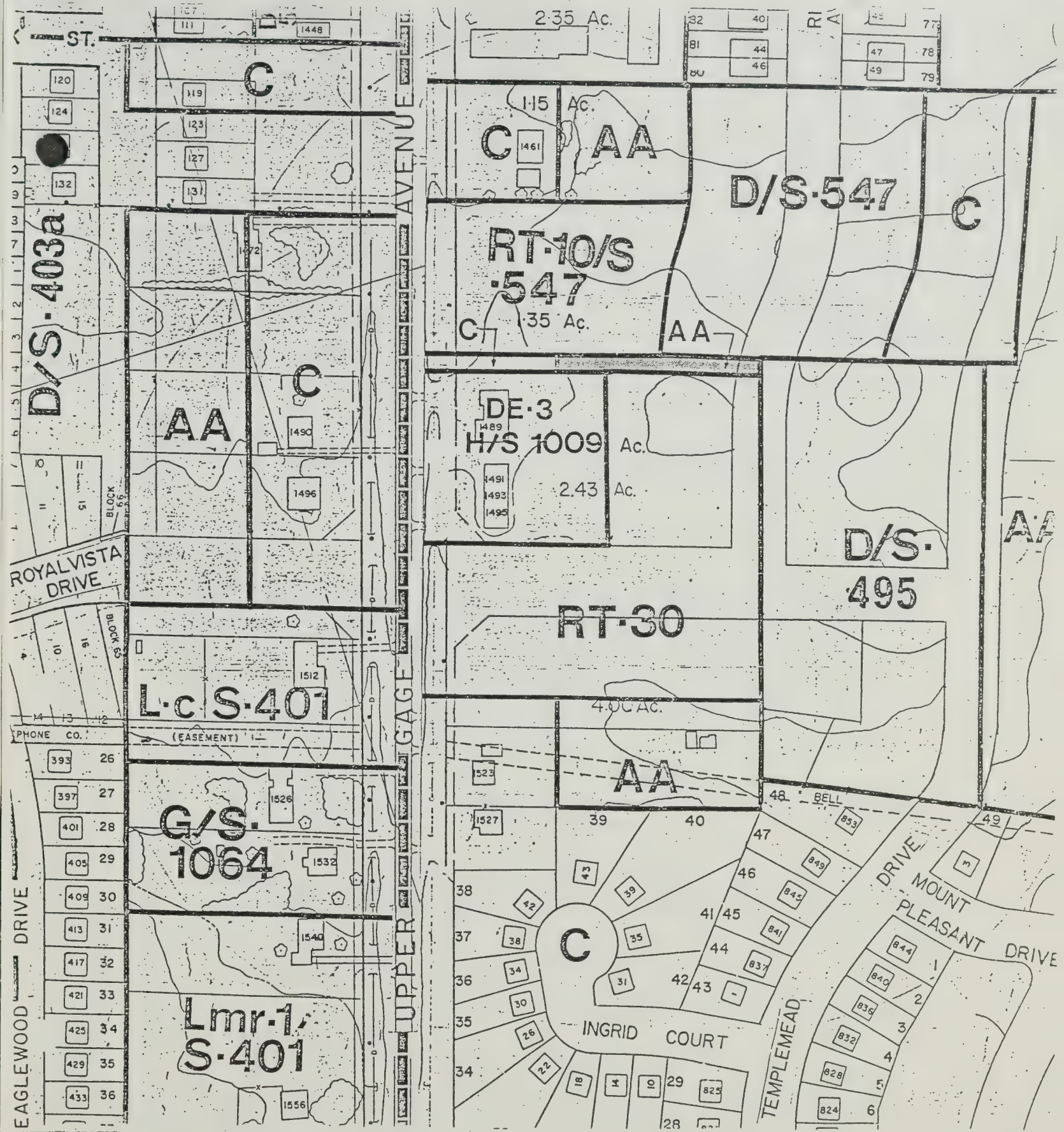
3. The proposal has merit and can be supported, as it would facilitate the inclusion of a remnant strip of land with adjoining lands to the south for future townhouse development. In this regard, the requested zoning is consistent with the established zoning on the adjoining lands to which the subject property is to be added.

CONCLUSION

On the basis of the foregoing, the application can be supported.

PDM/ma

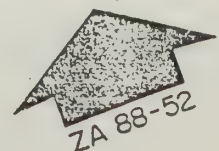
WP0057P



Legend



Site of the Application



APPENDIX A

FOR ACTION

20.

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 September 7
COMM FILE:
DEPT. FILE: ZA-88-49
BRULEVILLE
NEIGHBOURHOOD

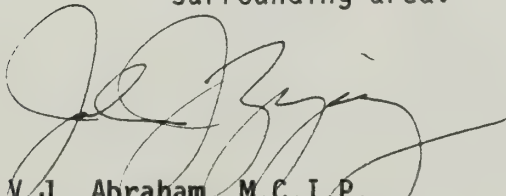
SUBJECT:

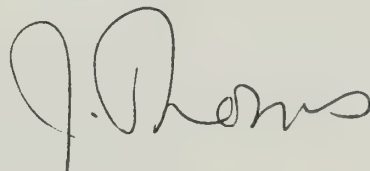
Request for a change in zoning - Nos. 832, 836, 840, 844, 848 Upper Wentworth Street, and No. 106 Fieldway Drive.

RECOMMENDATION

(a) That Zoning Application 88-49, A. Lombardi, L. Moning, E. Nagy, M. Webb, E. Mammoliti, B. Bodnar and E. Merone, owners, requesting changes in zoning from the "AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District and "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified, to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified, for property located at Nos. 832-848 Upper Wentworth Street, and No. 106 Fieldway Drive, shown as Blocks "1", "2" and "3" on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- (i) It conflicts with the intent of the Official Plan which designates the subject lands for "RESIDENTIAL" use;
- (ii) It conflicts with the intent of the approved Bruleville Neighbourhood Plan which designates the subject lands for "SINGLE AND DOUBLE RESIDENTIAL" and "COMMERCIAL RESIDENTIAL CONVERSION" use;
- (iii) It would be incompatible with existing and future intended uses in the surrounding area; and,
- (iv) It would set a precedent for future similar applications in the surrounding area.


V.J. Abraham, M.C.I.P.
Director of Local Planning


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

- By-law No. 88-163

City Council passed By-law No. 88-163 on June 28, 1988. The purpose of the by-law was to provide for a change in zoning to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, for lands located at No. 864 Upper Wentworth Street.

The effect of the by-law is to permit future development of the lands for a 60-unit apartment building, having a maximum height of six storeys.

- Proposed Development

The applicants propose to develop the subject lands for a six-storey multiple dwelling (apartment building) with commercial uses on the ground floor.

- Bruleville Neighbourhood Plan Review

It should be noted that the applicants previously made a submission as part of the Bruleville Neighbourhood Plan Review to have their lands designated for "COMMERCIAL AND APARTMENT" use. However, their requested change was not accommodated in the final Plan as approved by Council on May 10, 1988.

APPLICANTS

A. Lombardi, L. Moning, E. Nagy, M. Webb, E. Mammoliti, B. Bodnar and E. Merone, owners.

LOT SIZE AND AREA

The subject properties have a total of approximately:

- 76.8 m (251.9 ft.) of frontage on Upper Wentworth Street;
- 10.0 m (33 ft.) of frontage on Fieldway Drive; and,
- 0.9 ha (2.36 acres) of lot area.

LAND USE AND ZONING

<u>Subject Lands</u>	<u>Existing Use</u>	<u>Existing Zoning</u>
	Single-family dwellings and vacant.	"AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District, and "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District modified.
To the north	Two-family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District, and "D" modified.
To the south	Single-family dwellings and vacant.	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District.
To the east	Vacant and single-family dwellings.	"AA" (Agricultural) District and "HH" (Restricted Community Shopping and Commercial) District.
To the west	Two-family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The following policy, among others, applies:

- "2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan."

Since the subject lands are greater than .4 ha in site area, the proposal is not permitted as a local commercial use. Accordingly, approval of the application would necessitate an amendment to the Plan to redesignate the subject lands from "RESIDENTIAL" to "COMMERCIAL".

NEIGHBOURHOOD PLAN

The portion of the subject lands fronting onto Upper Wentworth Street is designated "COMMERCIAL RESIDENTIAL CONVERSION" (See Block "C" - APPENDIX "B"), and the rear portion fronting onto both sides of the future extension of Fieldway Drive is designated "SINGLE AND DOUBLE RESIDENTIAL" (see APPENDIX "B") in the approved Bruleville Neighbourhood Plan.

It is the intent of the Plan that the lands designated "COMMERCIAL RESIDENTIAL CONVERSION" (Block "C" - APPENDIX "B") be used as follows:

"Up to 1,000 square feet of professional offices and commercial uses generating similar traffic volumes permitted in existing residences or infill residences of similar character."

City Council only recently approved the amendments to the Bruleville Neighbourhood Plan as shown on APPENDIX "B" at their meeting of May 10, 1988.

On the basis of the foregoing, the proposal does not comply with the intent of the approved Bruleville Neighbourhood Plan. Approval of the application would necessitate an amendment to redesignate the lands as "COMMERCIAL AND APARTMENTS".

COMMENTS RECEIVED

- The following agencies have no comments or objections:

- LACAC;
- Building Department; and,
- Hamilton Region Conservation Authority.

- The Traffic Department has advised as follows:

"Please be advised that we have reviewed the above-noted application and find it satisfactory.

However, access is permanently restricted to the subject lands by the raised medians on Upper Wentworth Street in front of the property, as shown on the attached plan. We suggest that the applicant contact the owners of the adjoining lands to the south, prior to site plan control stage, to consider combined access and parking arrangements."

- The Hamilton-Wentworth Department of Engineering has advised as follows:

"Please be advised that public watermains, as well as storm and sanitary sewers, are available to service the subject lands fronting Upper Wentworth. Sewers will not be available on Fieldway Drive until the lands to the south have been developed.

The designated road allowance width of Upper Wentworth Street is 36.58 m (120 feet). We do not anticipate any further road widenings at this time.

Any works within the adjacent road allowances must conform to the respective Streets By-laws.

We recommend that where possible, access to lands fronting on Upper Wentworth Street be combined to reduce the number of access points. To further minimize disruption to traffic on Upper Wentworth Street, the sharing of parking and loading facilities should be encouraged."

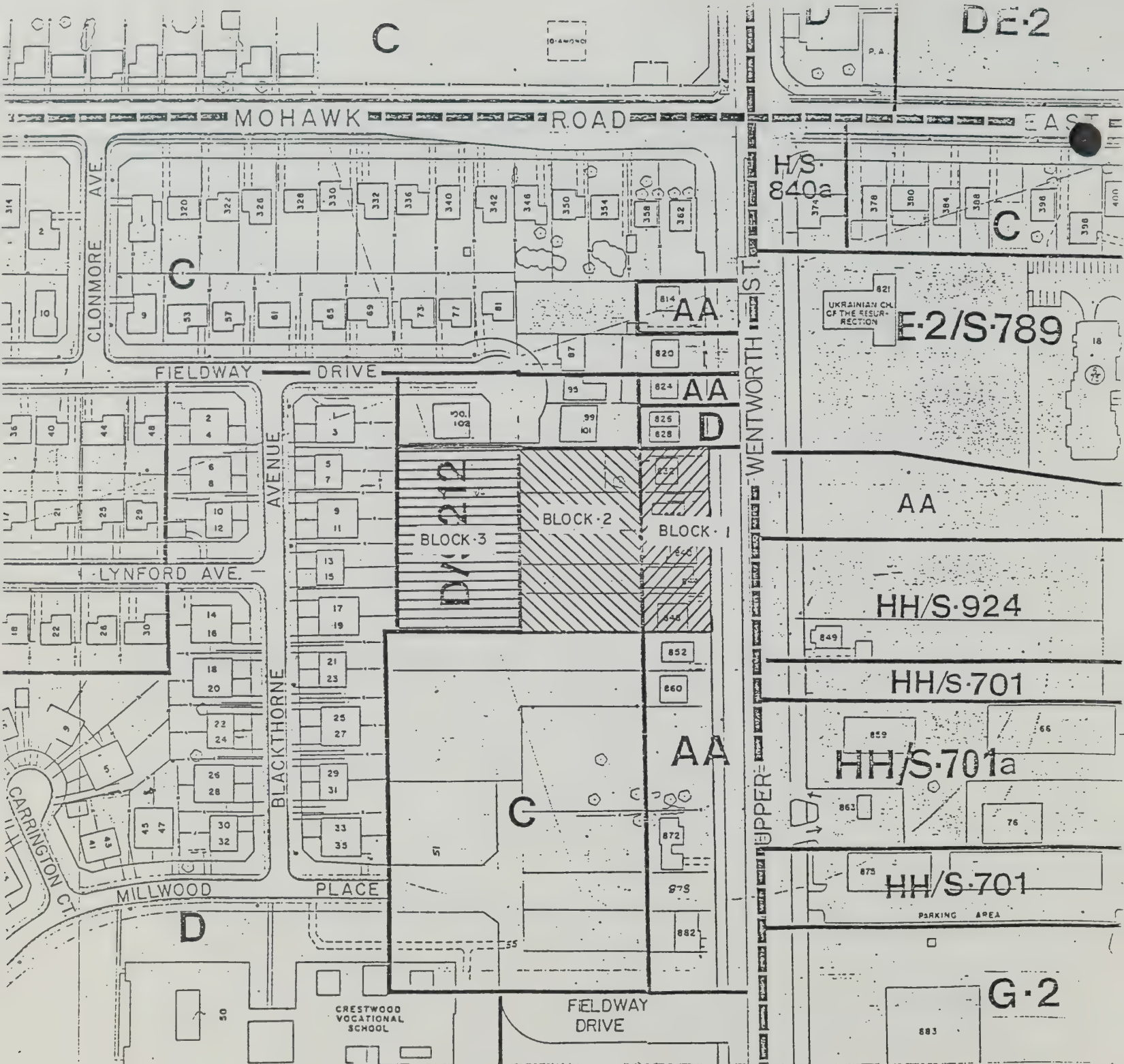
COMMENTS

1. The proposal does not comply with the intent of the Official Plan. Approval of the application would require an amendment to redesignate the subject lands from "RESIDENTIAL" to "COMMERCIAL".
2. The proposal does not comply with the approved Bruleville Neighbourhood Plan. Approval of the application would require an amendment to redesignate the lands for "COMMERCIAL AND APARTMENTS".
3. The proposal cannot be supported for the following reasons:
 - it conflicts with the intent of the Official Plan which designates the subject lands for "RESIDENTIAL" use;
 - it conflicts with the intent of the approved Bruleville Neighbourhood Plan, as recently amended (May 10, 1988) which designates the subject lands for "SINGLE AND DOUBLE RESIDENTIAL" and "COMMERCIAL RESIDENTIAL CONVERSION" use;
 - it would be incompatible with existing and future intended uses in the surrounding area; and,
 - it would set a precedent for future similar applications in the surrounding area.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

PM:CS
0330P



Legend

Proposed change in zoning:



BLOCK 1

From "AA" (Agricultural) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified



BLOCK 2

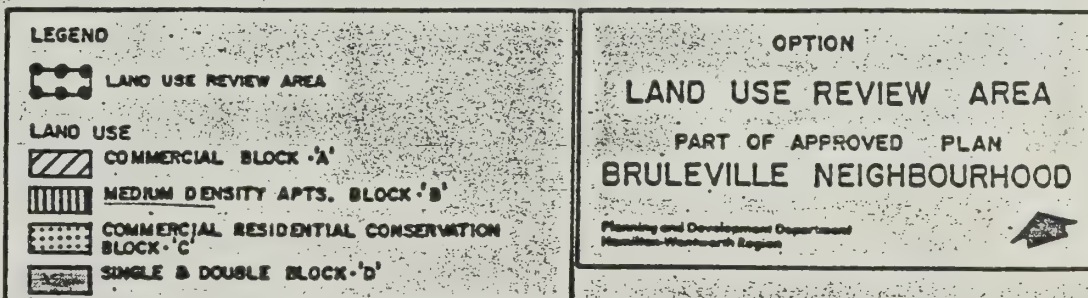
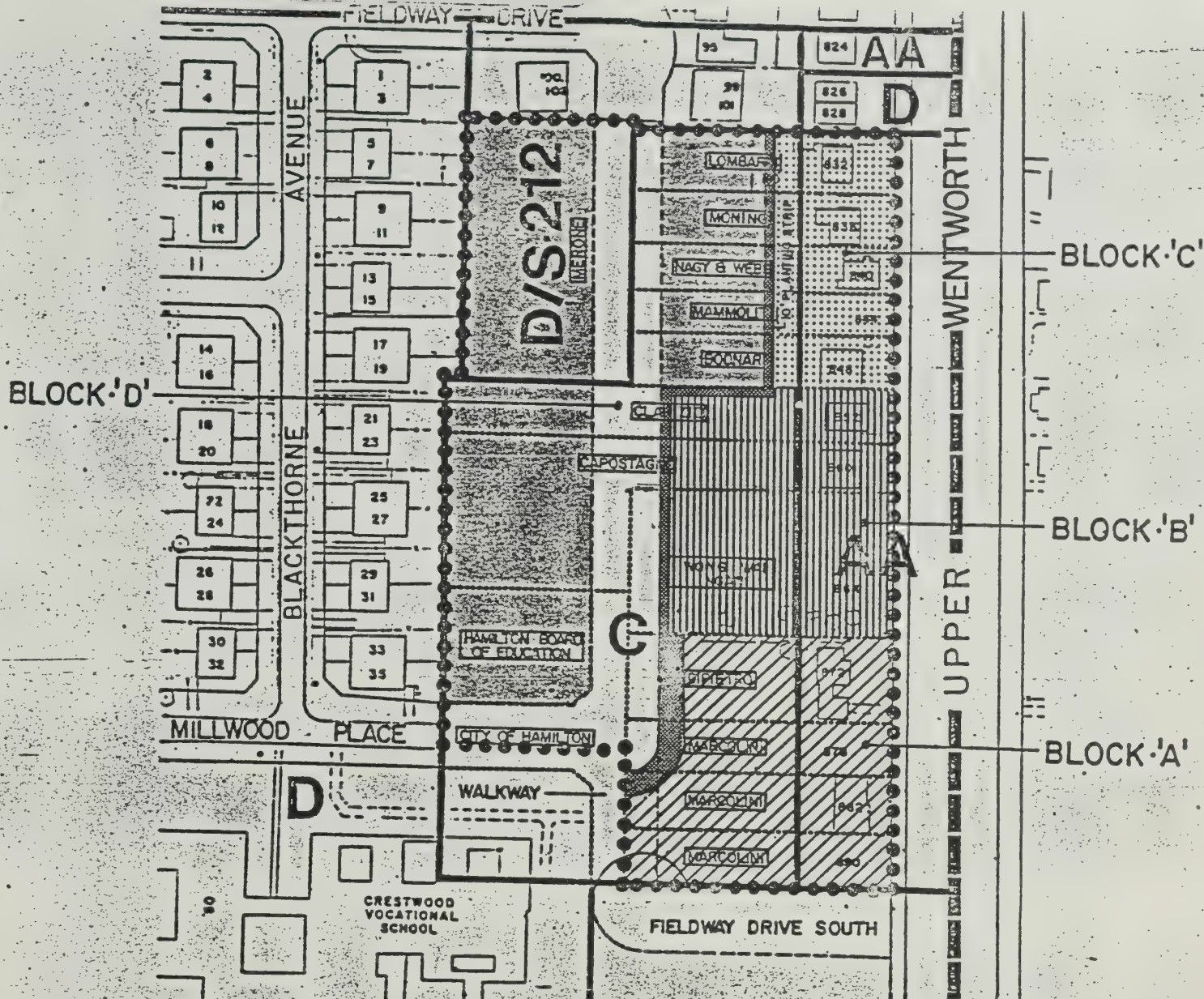
From "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified.



BLOCK 3

From "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, modified to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified..





BLOCK A

- Commercial to be neighbourhood oriented (no high commercial uses or high traffic generators)
- No vehicular access to be permitted to the west
- 30' wide landscaping buffer to abut Fieldway Drive extension

BLOCK B

- 6 storey height limit
- 50' set back from Fieldway Drive extension

BLOCK C

- Up to 1000 square feet of professional offices or commercial uses generating similar traffic volumes permitted in existing residences or infill residences of similar character

Appendix "F" as referred to in Section 12 of the ELEVENTH Report for 1988 of the Planning and Development Committee.

D-16

13 Blackthorne Avenue
Hamilton, Ontario
L9A 4R7

20a.

September 16, 1988

SEP 20 1988

The Corporation of the City of Hamilton
Planning Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sirs:

Re: Proposed change in zoning
File - ZA88-49 SEZ-00013
Nos. 832-848 Upper Wentworth St. and 106 Fieldway Dr.

Enclosed herewith is the business reply card in regard to the above mentioned proposed change in zoning marked "opposed".

Our objections are very strong in connection with Block 3 which backs onto our property. When we moved in here some 17 years ago, we were advised by City Hall that the future development of this property would consist of single and double homes and because we wanted to live in a residential area, we purchased our home.

It seems to us that the potential of devaluation of our property is extremely likely with the development of this land as is proposed. It is unfair to those established in a neighbourhood for so many years with no desire to move from it to be subjected to ~~this kind of financial disaster and disaster~~ is what it would be with devalued property and the necessity to move from the neighbourhood to be able to live in the manner that was originally desired and which was the information given to us by our "trusted" city officials.

Block 3 must be maintained as on the official plan as single and double homes to protect the value of our property and to maintain the standard of life and custom of life to which we are used to.

We are also opposed to the proposed change in Block 2 as this will also affect our property even though to a lesser degree.

So far as Block 1 is concerned, we have no objection to commercial zoning. We feel that if Block 3 remains the same and at least the west portion of Block 2 is zoned for single and double homes, the easterly portion of Block 2 and Block 1 will not have too much affect on our property or way of life.

It seems that the sacrifices that we would be asked to make if the proposed zoning takes place should not be expected of those who have lived in an area for so many years when an alternative is available.

If single and double homes are built behind us, then the people buying them have a choice to make as to whether they want to live across the street from an apartment or commercially zoned property but the choice is theirs to make with full knowledge of what they are doing because it would then be zoned in this manner and eventually the buildings would be there to see when they purchased their homes.

We did not have this clear choice given to us because we relied on what we were told by City Hall and if we had known what is now being proposed, we would probably not have bought in this area or at the very least given it considerable consideration taking into account the negatives of the area.

Please register us as definitely opposed to the change to the official plan.

Thank you for your attention to this matter.

Yours very truly



Austin Arney



Carolyn Arney

F O R A C T I O N

21.

REPORT TO: SUSAN REEDER, ACTING SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 September 20
COMM FILE:
DEPT. FILE: ZA-88-60
 TEMPLEMEAD NEIGHBOURHOOD

SUBJECT:

Request for a modification to the "M-14" (Prestige Industrial) District - 205 Nebo Road to permit a Paint and Body Repair Shop.

RECOMMENDATION

That approval be given to Zoning Application ZA-88-60, Luigi and Maria Del Sordo, owners, for a modification to the "M-14" (Prestige Industrial) District to permit a Paint and Body Repair Shop, for property located at No. 205 Nebo Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "M-14" (Prestige Industrial) District regulations as contained in Section 17F of Zoning By-law No. 6593 be modified to include the following variance as a special requirement:
 - (i) Notwithstanding Section 17F (1) of Zoning By-law No. 6593, the following additional commercial use shall be permitted:

Commercial Use

Identification No.

Paint and Body Repair Shop

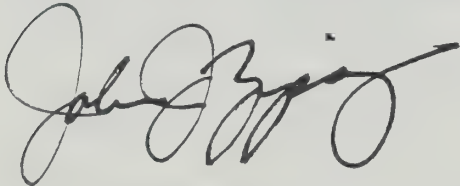
6352

- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands an Zoning District Map E-59D be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

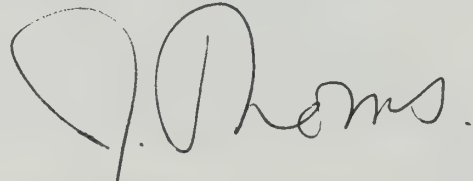
EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the "M-14" (Prestige Industrial) District for property located at No. 205 Nebo Road, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit, in addition to the existing "M-14" uses, a Paint and Body Repair Shop.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms,
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

It is the applicants' intention to construct a 579.3 m² (17,000 sq. ft.) multiple-tenancy industrial building primarily for the purpose of warehousing. Currently the applicants have a prospective tenant who wishes to lease approximately 557.4 m² (6,000 sq. ft.) of the building for the purpose of establishing a Paint and Body Repair business.

APPLICANTS

Luigi and Maria Del Sordo, owners.

LOT SIZE AND AREA

- 62.8 m (206.05 ft.) of lot frontage on Nebo Road;
- 172.89 m (567.23 ft.) of lot depth; and,
- 10 859 m² (116,877.74 sq. ft.) of lot area.

OFFICIAL PLAN

Designated Industrial, the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Restricted Industrial" use on the approved Mountain Industrial Area Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department has advised that:

"A collision shop is under the Industrial Standards Classification Identification No. 6352 (Paint and Body Repair Shop). This use is only permitted in an "M-15" District."

- The Traffic Department, Local Architectural Conservation Advisory Committee Staff, and the Hamilton Region Conservation Authority have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains, as well as separate storm and sanitary sewers, are available to service the subject lands.

We do not anticipate any further road allowance widenings at this time. Any works which occur within the Nebo Road road allowance must conform to the City's Streets By-law.

Comments should be obtained from the Traffic Department concerning access, sight distances, etc."

COMMENTS

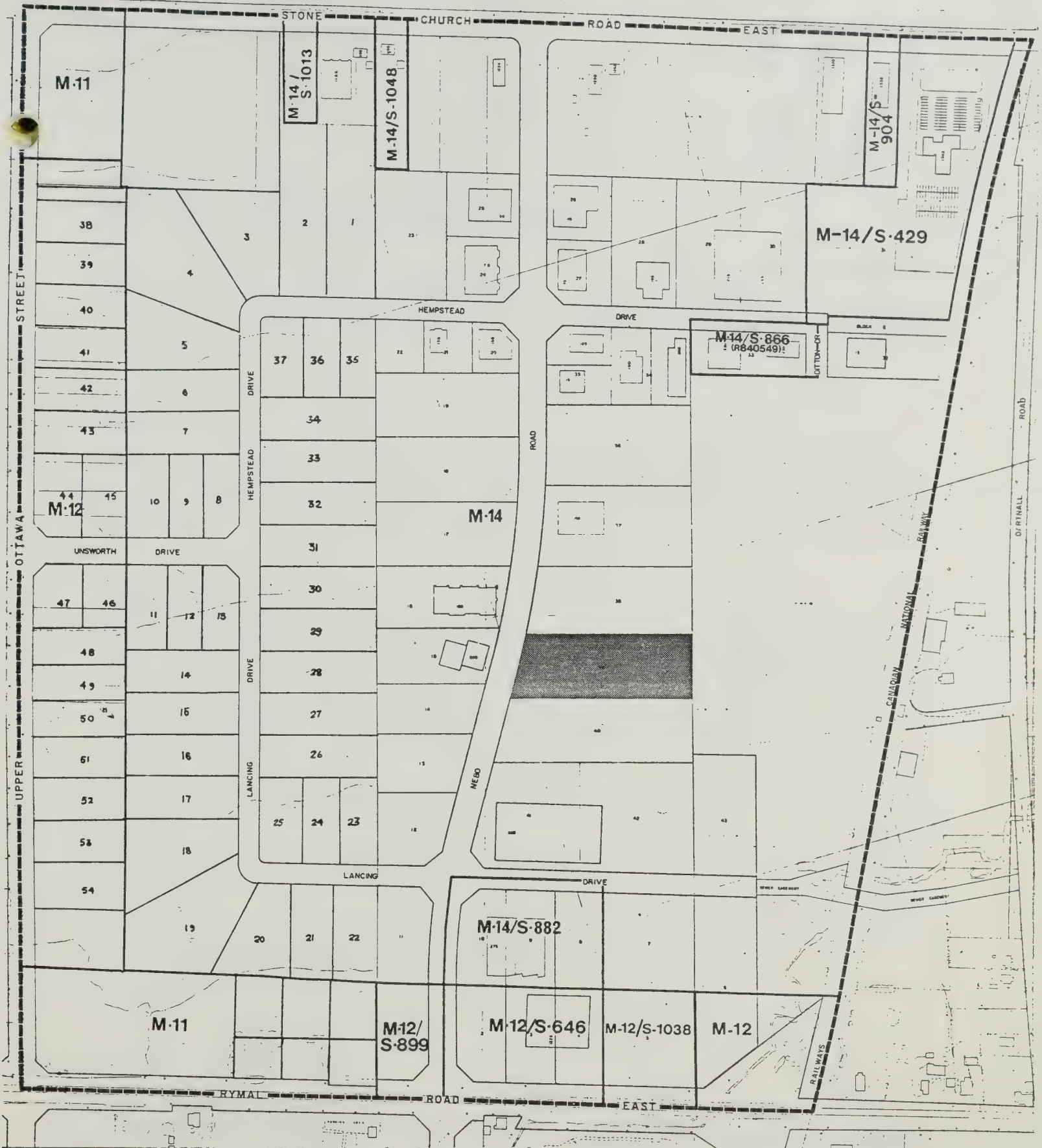
1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the approved Mountain Industrial Area Neighbourhood Plan.
3. The proposal has merit and warrants consideration for the following reasons:
 - It is located on Nebo Road, which is an industrial collector road;
 - It would be compatible with existing and proposed industrial development within the Mountain Industrial Park;
 - It is situated within a multi-tenancy industrial complex which will have various types of industrial uses.
 - City Council are on record of supporting similar applications to permit Paint and Body Repair Shops within the Mountain Industrial Park.

4. Under the "M-14" District provisions, the lands are subject to Site Plan Control By-law 87-223. In this regard, matters concerning landscaping, grading, screening, parking, access, etc., can be further reviewed at the site plan approval stage of development.

CONCLUSION

On the basis of the foregoing, the proposal can be supported.

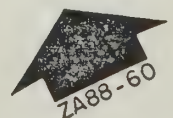
GAW:CS
0019P



LEGEND



SITE OF APPLICATION



F O R A C T I O N

22.

REPORT TO: SUSAN REEDER, ACTING SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 September 20
COMM FILE:
DEPT. FILE: ZA-88-64
 RUSHDALE NEIGHBOURHOOD

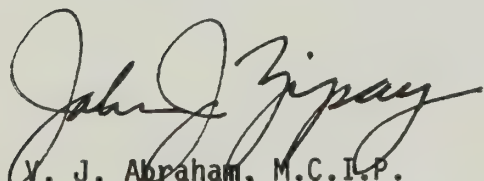
SUBJECT:

Request for a change in zoning from "C" (Urban Protected Residential) District to "G-4" (Designed Neighbourhood Shopping Centre, etc.) District, modified, vacant lands located on the north side of Stone Church Road East, between Upper Sherman Avenue and Upper Wentworth Street.

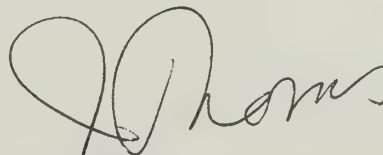
RECOMMENDATION

That Zoning Application ZA-88-64, Hamilton General Homes (1971) Limited, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Centres, etc.) District, for property located on the north side of Stone Church Road East, between Upper Sherman Avenue and Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", be denied for the following reasons:

1. The proposed development would be incompatible with existing and proposed residential development in this area.
2. The proposal does not comply with the intent of both the Official Plan and the approved Rushdale Neighbourhood Plan.
3. There is an adequate supply of commercial land, existing and proposed, within this area along the abutting arterial roads to serve the needs of present and future inhabitants of this area.



Y. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

At its meeting held on November 11, 1987, the City Planning and Development Committee tabled Zoning Application ZA-87-90 to establish an amendment to the Official Plan to redesignate the subject lands from "Residential" to "Commercial" and for a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District. In addition, the staff were directed to report back to the Committee at its next meeting with a new resolution for this application, incorporating a modified "G" Zoning for the purpose of restricting use of the site for specific commercial uses.

At its meeting held on November 25, 1987, the Planning and Development Committee reconsidered the proposal and recommended that the application be denied for the following reasons:

- a) The proposed development would be incompatible with existing and proposed residential development in this area.
- b) The proposal does not comply with the intent of both the Official Plan and the approved Rushdale Neighbourhood Plan.
- c) There is an adequate supply of commercial land, existing and proposed, within this area along the abutting arterial roads to serve the needs of the present and future inhabitants.
- d) There is a residential lot abutting the south-east, which is not incorporated in the proposal.

CURRENT PROPOSAL

It is the applicant's intention at this time to request a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Centre, etc.) District, modified, by restricting the proposed development to the following uses on a site having an area of 1.5 acres:

- a grocery store;
- bank;
- hairstresser/barber shop;
- dry cleaners;
- drug store;
- bakery;
- hardware; and,
- offices.

The applicant has submitted a letter (see APPENDIX "B" attached) providing reasons in support of the proposal.

APPLICANT

Hamilton General Homes (1971) Ltd., owner.

LOT SIZE AND AREA

An irregularly-shaped parcel of land having:

- 13.18 m (43.24 ft.) of lot frontage on Stone Church Road East;
- approximately 141.92 m (465.0 ft.) of lot depth adjacent to a future neighbourhood entrance road; and,
- a lot area of approximately 0.6 ha (1.5 acres).

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
To the north	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
To the south	Single-family dwellings	"D" (Urban Protected Residential, One- and Two-Family Dwellings, Townhouses, etc.) District, modified
To the east	A single-family dwelling, a hydro tower line and a townhouse development	"C" (Urban Protected Residential, etc.) District, "AA" (Agricultural) District, "RT-20" (Townhouse-Maisonette) District and "D" (Urban Protected Residential, One- and Two-Family Dwellings, Townhouses, etc.) District, modified
To the west	Townhouses	"RT-20" (Townhouse Maisonette) District

OFFICIAL PLAN

Designated "Residential" on Schedule "A" - Land Use Concept of the Official Plan and subject to the following policy:

A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:

- iv) Limited individual or groups of commercial uses on site not exceeding .4 ha in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.

Since the proposed shopping centre is greater than 0.4 ha (1.0 acres) in size, it is not a permitted use within the RESIDENTIAL designation and does not comply with the Official Plan. If the application is approved, an Official Plan Amendment will be required to redesignate the subject lands from RESIDENTIAL to COMMERCIAL.

NEIGHBOURHOOD PLAN

Designation for "Single and Double" residential development on the approved "Rushdale" Neighbourhood Plan. The proposal does not comply and would require a redesignation from "Single and Double" residential to a "Commercial" land use designation.

COMMENTS RECEIVED

- The Building Department, Hamilton Region Conservation Authority have no comments or objections.
- The Traffic Department has advised that the proposal is:
". . . satisfactory. However, we recommend that the applicant undertake a land assembly to include the remaining lands to the east, to provide for a comprehensive development having access to the future mid-block collector and Stone Church Road East."
- The Local Architectural Conservation Advisory Committee staff has advised that the stone farmhouse building located at No. 549 Stone Church Road East is a listed building and that this building should be retained.
- The Ontario Hydro has advised that:
"While we do not object to the approval of the proposed zoning by-law amendment, we wish to ensure that no adverse impacts occur with the site development to our abutting lands. Therefore, to ensure that we have no concerns with the subject development, please forward a copy of the related site plan for our review."

- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains as well as separate storm and sanitary sewers are available on Stone Church Road to service the subject lands.

The designated road allowance width of Stone Church Road is 30.48 m (100 ft.). We do not anticipate any further road allowance widenings on Stone Church Road at this time.

As we have not yet received any plans for development, we advise that any work within the adjacent road allowances, as widened, must conform to the respective streets by-laws.

As noted in our previous comments (draft plan of subdivision 25T-86022, Land Severance H-31-86 and Site Plan Control Application), we recommended that the plans be revised in order that the centreline of the mid-block collector, north of Stone Church Road, align centreline to centreline with the mid-block collector, as established by Plan 62M-465. According to our records, the centreline offset is + 5.0 feet. We recommend that either the plans be revised to conform to our previous comments, or that the applicant/owner provide us with Engineering drawings which will indicate to us that the roads and utilities can be properly located with this offset.

We also recommend that the agreement with the Ministry of Government Services be executed and that the mid-block collector street, north of Stone Church Road, be dedicated (deeded) to the City of Hamilton prior to the zoning approval.

Detailed comments on access will be submitted at such time as site plans are submitted for our review."

COMMENTS

1. The proposal conflicts with the intent of the Official Plan.
2. The proposal conflicts with the intent of the approved Rushdale Neighbourhood Plan, which designates the site for "Single and Double" residential development.
3. With regard to commercial development, it is noted from the attached map (see APPENDIX "C"), that there are a number of commercial sites (existing and proposed) in this area to adequately service the needs of existing and future residents. A new shopping centre has recently been completed on the west side of Upper Wentworth Street at Pescara Avenue within the Crerar Neighbourhood, which is located within approximately 548.6 m (1,800 ft.) of the subject lands. In addition, there are proposed shopping centres located on the east side of Upper Sherman Avenue, between the proposed Mountain Freeway and Stone Church Road within the Randall Neighbourhood, which is within approximately 640 m (2,100 ft.) of the site.

Another site is located on the west side of Upper Wentworth Street, south of Stone Church Road East, within the Barnstown Neighbourhood, which is within approximately 518 m (1,700 ft.) of the site. The site in question is also within close proximity to two multi-centres (Butler and Ryckmans) being approximately 487 m (1,600 ft.) and 1 097 m (3,600 ft.) of the site respectively, and commercial development along Upper Wentworth Street (Limeridge Mall) approximately 458.6 m (1,800 ft.) to the north.

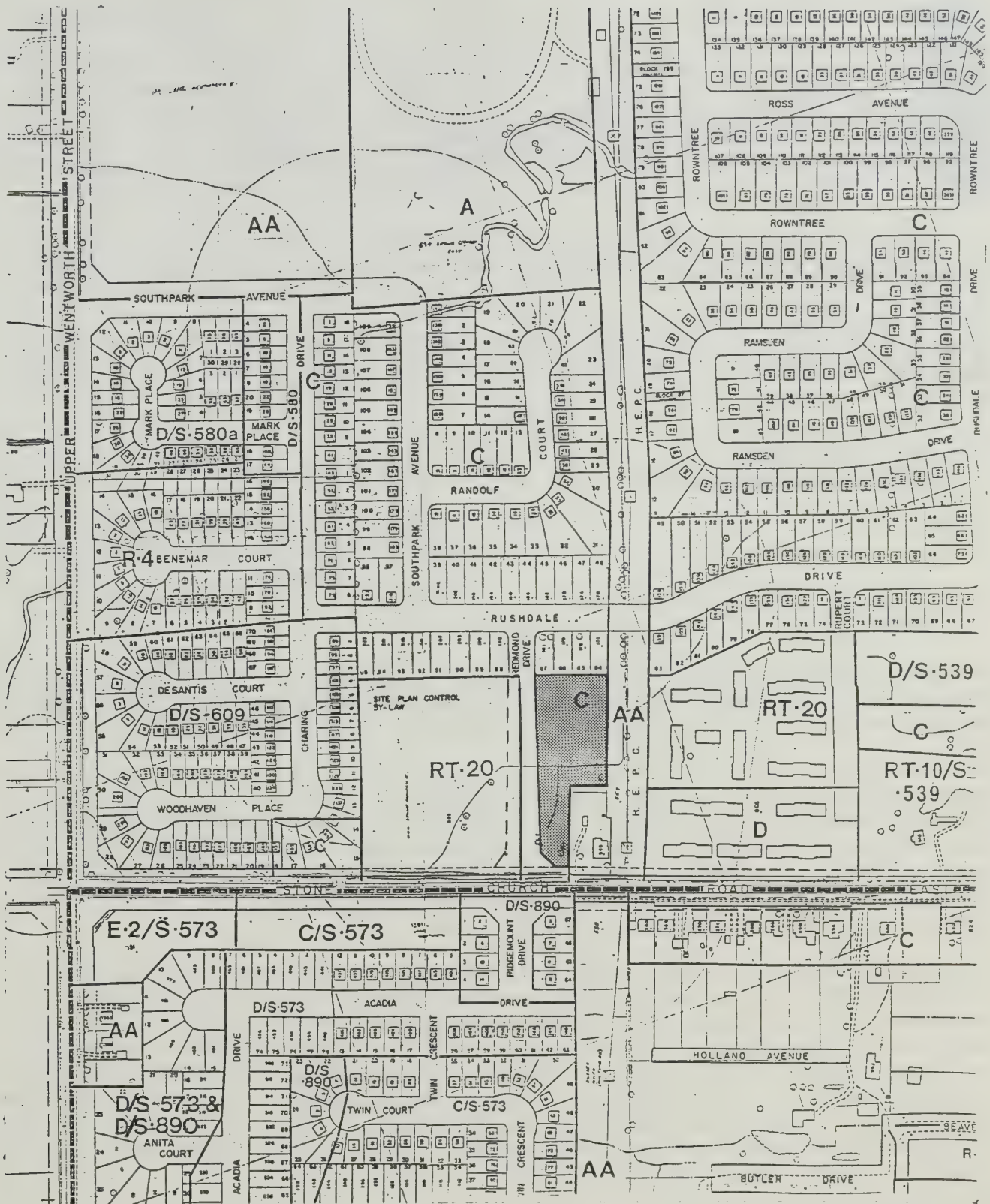
In addition to these sites, on July 13, 1988, the Planning and Development Committee also approved another commercial site (approximately 0.7 ha (1.7 acres)) at the north-west corner of Rymal Road East and Upper Wentworth Street. This site was set aside in the approved Barnstown Neighbourhood Plan for "Medium-Density Apartment" Development.

4. Single-family and two-family development would be more compatible with existing and proposed development at this location than would commercial development. In this regard, except for the hydro tower line, the site is surrounded by residential development in the form of single-family development to the north and south, and townhouses to the east and west.
5. Considering the amount of existing and proposed commercial development already approved, it is questionable if there is a need for an additional 0.60 ha (1.5 acres) of commercial development in this area. The introduction of more commercial development will only further undermine the viability of the approved sites.
6. Should the Planning and Development Committee decide to approve this application, it would be appropriate to incorporate the residential property (540 Stone Church Road East) to the south-east into the proposed development. It should be noted that the dwelling situated on this site is contained on a list of building of interest to the Local Architectural Conservation Advisory Committee.

CONCLUSION

On the basis of the foregoing, the application should be denied.

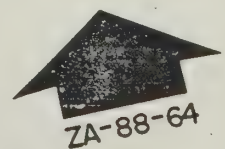
GAW:CS
Attach.
0019P



Legend



Site of the Application



APPENDIX A



Hamilton General Homes (1971) Ltd.

June 6, 1988

City of Hamilton
71 Main St.W.
Hamilton, Ontario
L8N 3T4

Att: Mr. V. Abraham
Director - Local Planning

RE: PROPOSED NEIGHBOURHOOD SHOPPING FACILITY
STONECHURCH ROAD EAST & REDMOND DRIVE
PART 2, PLAN 62R-8968

Dear Sir:

Enclosed please find our application to rezone the above lands for commercial uses. After consultation with neighbourhood groups and planning staff, we have amended our application to include only specific uses in the G4 category.

The subject site is currently zoned for single family uses and is located between two parcels of land zoned medium density townhousing and currently under construction by two non-profit housing groups. Sixty (60) non-profit housing units are under construction immediately to the west by Victoria Park Community Homes and ninety (90) non-profit housing units are under construction immediately to the east by the Los Andes Co-operative Housing Group. We submit that the subject land is an inappropriate location for single family uses.

The site is well suited for neighbourhood commercial uses since the site has a frontage of 450 feet on Redmond Drive (future roadway) and Stonechurch Road and is therefore easily accessed; the site is buffered from the medium density residential uses by a 100 foot H.E.P.C. right of way to the east and the future Redmond Drive to the west; the Rushdale neighbourhood south of the East/West Mountain Freeway currently does not provide for any neighbourhood shopping facilities and no commercial facilities are planned in the Butler neighbourhood to the south. To further support our proposal we have consulted with residents of the neighbourhood and find that there is strong support for our proposal.

You will find enclosed, sample copies of our letter to neighbourhood residents and future residents; responses from Victoria Park Community Homes and the Los Andes Group and the neighbourhood plan showing the results of our survey/petition.

- over -

June 6, 1988

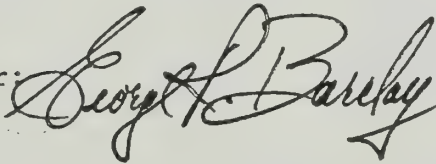
400 petition letters were delivered/mailed, representing 550 dwelling units. There were 87 reponses representing 235 units or 43% of the total. Of the responses, 80 were in support, representing 228 units or 97% of the respondents and 7 were opposed, representing 3% of the respondents. In addition, 315 units indicated no opposition to the proposal. The signed petition reflecting these results are in our files should you wish to review them.

It is evident that there is considerable support for our proposal from the neighbourhood and that these results suggest a definite need for neighbourhood commercial facilities as proposed.

We trust that the enclosed information will be of assistance to you and we look forward to discussing our application at the Planning & Development Committee meeting.

Yours truly,
HAMILTON GENERAL HOMES (1971) LTD.

Per:



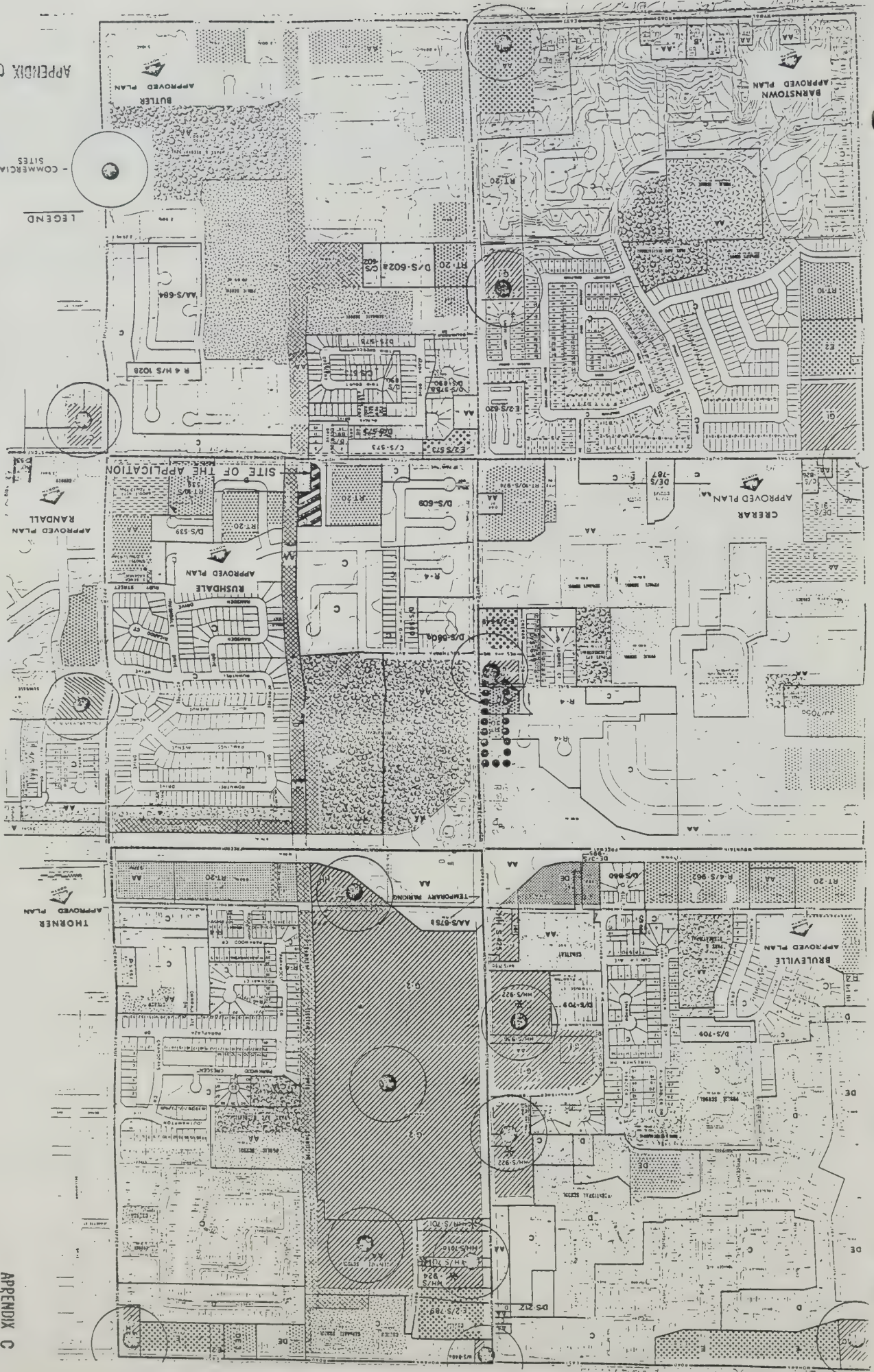
George R. Barclay
Vice-President
Land Development

GB/md

c.c. John Ariens
Henry Merling

- COMMERCIAL SITES

LEGEND



AGRO, ZAFFIRO, PARENTE, ORZEL, HUBAR & BAKER
BARRISTERS & SOLICITORS

22a.

NICHOLAS J. ZAFFIRO, Q.C.
EDWARD J. ORZEL, Q.C.
STANLEY P. JASKOT, B.A., LL.B.
FRANCIS A. DeSANTIS, B.A., LL.B.
IAN P. NEWCOMBE, B.A., LL.B.
J. MICHAEL RILEY, B.COMM., LL.B.
JANE A. MILANETTI, B.A., LL.B.
DAVID A. ELLIOT, B.A., LL.B.

JOHN A. PARENTE, Q.C.
MICHAEL L. BAKER, Q.C.
DAVID R. DEMPSTER, B.Sc., LL.B.
JOHN W. LOGAN, B.A., LL.B.
MICHAEL DALE PARAYESKI, LL.B.
CHARLES P. CRIMINISI, LL.B.
VANDA A. SANTINI, B.A., B.C.L., LL.B.
Z.S. PETE VOLARIC, B.A., LL.B.

TELEPHONE (416) 527-6877
TELECOPIER (416) 527-6843

THIRTY NINTH FLOOR
100 MAIN STREET EAST

MAIL:
P. O. BOX 2069, STATION "A"
HAMILTON, ONTARIO
L8N 3G6

COUNSEL: JOHN L. AGRO, Q.C.

JOHN E. MILNE, Q.C. (RETIRED)

WILLIAM J. HUBAR, Q.C. (RETIRED)

September 13, 1988

SEP 16 1988

Secretary
Planning & Development Committee
City Hall
Hamilton, Ontario

Dear Sir:

RE: Application ZA-88-64
Hamilton General Homes (1971) Limited
Stone Church Road East

We are solicitors for T. Valeri Construction Limited and we are enclosing the completed reply card provided with the notice indicating our client's objection to the rezoning.

Our client submits its objection to the rezoning of the subject property for the following reasons:

1. The subject application is a duplication by the applicant for a rezoning of the same property which was the subject matter of a previous application that was rejected by the Planning and Development Committee and Council and the present application represents an abuse of the planning process.
2. The applicant stated its position with regard to commercial rezoning in the immediate area; namely, our client's rezoning application at the southeast corner of Stone Church and Upper Wentworth. Their position stated in their objection to that rezoning to the effect that commercial rezoning in this immediate area should be rejected and was accordingly rejected by the Planning and Development Committee, which decision should be sustained for the immediate area which includes the applicant's property and Committee and Council should show its consistency by rejecting the application.
3. The application is inconsistent with the Official Plan, the prescribed zoning for the property and is not in keeping with the built up residential neighbourhood and in effect will have a detrimental effect on the immediate single family and multiple family residential properties.

4. A rezoning of the subject property will probably entail expansion of the site with additional provision for parking into the HEPC right-of-way.

Furthermore, this site should be properly developed in conjunction with the property at the southeast corner of the site for single family or two family dwellings otherwise a commercial designation for this site will pave the way for expansion of the site for commercial purposes into that area as well as into the right-of-way area.

5. Traffic problems will be aggravated at this location attracting vehicles to the commercial site imperilling the safety of the children in Ridgeview Estates who will be drawn to the commercial site.
6. When the applicant acquired the subject property they did so with the full knowledge of its development designation, neighbourhood plan and zoning and the development of the site should be restricted in accordance with the development designation.

Yours truly,

David A. Elliot
/lc
c.c. T. Valeri Construction Limited

22b.

5 MINUTES walking distance from my home is a strip mall which includes a grocery store, video store, drug store, pizza outlet, meat outlet and a doctors office.

10 MINUTES walking distance from my home is Limeridge Mall, Super Centre, Hy & Zels, numerous small specialty shops and much, much more, which have everything you could possibly need.

This is strictly a more financially sound investment to Hamilton General Homes and definitely not a matter of neighbourhood benefit.

We say "thanks, but no thanks" and we hope the Planning Committee will support our view.

Carol & Dennis Phillips
142 Rushdale Drive

5 MINUTES walking distance from my home is a strip mall which includes a grocery store, video store, drug store, pizza outlet, meat outlet and a doctors office.

10 MINUTES walking distance from my home is Limeridge Mall, Super Centre, Hy & Zels, numerous small specialty shops and much, much more, which have everything you could possibly need.

This is strictly a more financially sound investment to Hamilton General Homes and definitely not a matter of neighbourhood benefit.

We say "thanks, but no thanks" and we hope the Planning Committee will support our view.

Carol & Dennis Phillips
142 Rushdale Drive

PROPOSED CHANGE IN ZONING FROM C TO G-4(MODIFIED)

PROPERTY DESCRIPTION - NORTH SIDE OF STONE CHURCH RD EAST AND WEST OF THE
HYDRO RIGHT OF WAY

I AM IN FAVOUR OF ()

OPPOSED TO (✓) (PLEASE CHECK (V) WHICH)

THIS PROPOSED ZONE CHANGE

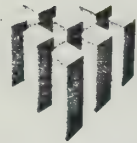
.....
PHILLIPS DENNIS BEVAN
PHILLIPS CAROL ANN
142 RUSHDALE DR
HAMILTON ONT

L8W 2Z3

Carol Phillips.....SIGNED

PLEASE DIRECT INQUIRIES TO
PLANNING DEPT 526-4445

23a.



Mutual
Life of Canada

September 12, 1988

SEP 14 1988

The Secretary,
Planning & Development Committee,
The Corporation of The City of Hamilton,
City Hall,
Hamilton, Ontario.
L8N 3T4

Dear Sir:

Re: Proposed Zoning Modification
85 Robinson Street, Hamilton.


Please be advised that while we agree in principal to the proposed development at the Thistle Club property, we have some concerns regarding the height of the building and the number of parking spaces provided.

Buildings in the immediate vicinity range in height from 6 to 10 storeys and we feel that the proposed development should be restricted to a similar height.

While 165 spaces are adequate for a 110 unit condominium, we feel it is an inadequate requirement for visitors and staff of the proposed 135 retirement units, and does nothing to address member parking for the Thistle Club itself.

Parking in the area is already at a premium, and the situation will deteriorate when the GO Transit extends to the T.H.&B. site. It is imperative that any new development be able to provide on site parking, and we feel that this project should be treated as a 245 unit development, which in essence is what it is.

Yours truly,


Pieter Greidanus,
Administrator.
Property Investments.

PG/ld

23b.

40 Robinson 303

I am opposed to the remodeling of
#85 Robinson St. not for some
of the ideas.

We are fed up with people
parking on the St, instead of under-
ground.

We are quite a few old timers
around here, and in case of
emergencies, the vehicles cannot
get in to the curb. immediately
day or night

I remain

Wm M. Harris
LSP 189



SEP 21 1988

85 Charlton Avenue West,
Hamilton, Ontario, L8P 2C4
September 19th, 1988

23c.

Secretary,
Planning and Development Committee,
City Hall, 71 Main Street West,
Hamilton, Ontario L8N 3T4

Dear Sir, Re: Application by Dynacare Health Group
for modification to established "E"
District- 85 Robinson Street

1. Yards Objections to changes requested Reference
Variation from existing By-law:
Required 13.5 m.(minimum)
Proposed by owner 8m-west condominium side yard ✓ Plan submitted 1.
The plan of the owner shows there is no side yard on the east side of the existing Thistle Club building. It shows an encroachment by the east wall on Park Street. Relief is required to permit combination of Thistle Club facility and proposed retirement facility. 2.
The plan says Robinson Street and Charlton Avenue are considered as frontages, therefore site has no rear yard set-back requirement (note)

The variations required are excessive.

There should be deemed to be a rear yard.

2. Increase in number of residential units and floor areas
Proposed by owner: gross floor area 22,772.3 m² "
retirement units 135
condominium " 110
Total units 245 "
Exemption Requested 4518.60m² "

The variations required are excessive.

Review proposals for new or expanded residential care facilities and group homes in Durand with the intent of minimizing increases in the density of such uses and minimizing the exemptions from the zoning by-law which will be permitted Durand Neighbourhood Plan Page 28 actions 1

The Durand plan wishes to attract families to balance high proportion of singles and seniors

More young families " 11 line 11
Affordable housing is encouraged & 12
12 para 2
19 " 5
20 " 6

Residential care facilities should be located so as not to unduly increase concentration of these facilities within any specific part of Durand. 13 " 4

Durand has a population of 10200 (1987)
according to Durand Neighbourhood Plan
Socio -Economic profile
Senior population is proportionately
very high and composes almost one third
of the total population

Reference
Durand Plan
page 8 (4.3)

" 9 line 9

The proposals and variations requested
are in conflict with the above and are
opposed

3. Parks and open space:

One main issue of the Plan is creation
of additional park open space and recreational
opportunities for residents.
Additional public park and recreational
facilities will be provided in the neigh-
bourhood using property which is readily
available, where possible.

" 11 " 22,23
" 25 para 4

4. Parking:

Durand Plan makes a specific recommendation
"Reduction of traffic and parking congestion
on local residential streets"
Opportunities for new off-street parking
areas will be examined such as acquisition
of property, use of existing open spaces if
not required for other purposes with encour-
agement of private parking areas such as Central
School, City Hall, The Thistle Club, St. Joseph's
Hospital.

" 4 (4)

" 38 (4)

The owner's plan shows parking for 118 cars

Owner's Plan

As 245 units are proposed, the residents will
attract relatives, friends, visitors, others
and deliveries. This will also add to congestion

5. Traffic:

Durand Plan 1987 says Charlton Avenue carries
approximately 7000 cars per day

Durand Plan
Page 7 para. 3

If appropriate, reduce the flow of traffic
on residential streets

" 14 line 6

The number of cars anticipated to use the
parking spaces in parking area 85 Robinson St.
and the number of cars going to and from the
structure and parking nearby will increase the
flow of traffic.

Increase in traffic is a hazard to pedestrians "

33 Objective
#4

The increase in traffic and its adverse affect on the neighbourhood and its pedestrians is undesirable and objectionable.

The Durand Plan, the Zoning by-law and other by-laws provide a pattern for the neighbourhood. If the variations are allowed other owners will expect to request substantial variations. For all the above we submit our objections to the application.

Yours truly

W. B. Duncan
M. M. Duncan

W. B. Duncan and
Margaret M. Duncan,

(Owners of 85 Charlton Avenue West
Hamilton

72 Charlton Avenue West,
Hamilton, Ontario, L8P 2C3,
September 15, 1988

Corporation of the City of Hamilton,
Planning & Development Committee,
City Hall,
71 Main Street West,
Hamilton, Ontario.

23d.

Dear Sirs:

Re: File #ZA 88-88
SEQ-00509

The Thistle Club & Retirement Home Proposal

This Proposal will have an undesirable effect on parking in the neighbourhood, causing an increase in the number of vehicles spilling over into the adjacent streets, caused by visitors' vehicles, service vehicles and such other delivery vehicles, in an already overloaded system of streets, especially in rush hours.

Instead of further buildings in a residential area, more open space would be much more desirable.

Existing Police, Fire, Hydro, Gas, Telephone and Sewer, and Road Repair accommodation will be further loaded to an undesirable extent, and a further commercial atmosphere will be created as a result of this new project.

The Durand Neighbourhood Plan specifies, as follows:

1. Protection from redevelopment for low density, residential areas.
2. Preservation of older buildings.
3. Creation of a neighbourhood park.
4. Reduction of traffic and parking congestion on local streets.
5. Implementation of site plan control and development agreements.
6. Reduction in density bonuses and increases in landscaping requirements, and
7. Rehabilitation of existing buildings that are of unique architectural merit.

This plan is intended to conserve Durand's existing assets, build on its positive aspects, and reduce or eliminate conflicts.

Herkimer Street and Charlton Avenue are the principal East-West traffic routes south of Main Street.

Charlton Avenue is one-way, Westbound, and carries approximately 7000 vehicles per day. Herkimer Street is one-way Eastbound, and carries approximately 8500 vehicles per day.

Traffic usage influences land use activities, making these streets less desirable locations of family use.

Planning Issues

The minimization or removal of existing land use conflicts which presently reduce the amenity of the residential area.

Creation of additional park space, open space, and recreational space for residents.

I believe recommended park space is .5 acres per 1000 population. Population of Durand is approximately 10,000 people; therefore, 5 acres of park space is required.
The Durand Park is 1.72 acres, approximately.

Introduction of innovative measures to add to the parking supply and and ensure readily available parking spaces for residents and visitors.

More family housing should be introduced to attract young families and help to ensure the vitality of the neighbourhood, and the demand for the existing public school.

Discouragement of rezoning which would permit highrise development.

Additional public park facilities will be provided in the neighbourhood, using property which is readily available, where possible. Various locations will be examined, such as Central Public School, the Thistle Club Grounds, Niagara Escarpment Lands, vacant lots, unused portions of road allowances, apartment grounds, such as those at 155 Park Street South, back alleys, and redevelopment of residential properties, etc.

City Council will request the Parks Sub-Committee, and other appropriate departments to recommend suitable locations and arrangements for additional park facilities and recreational facilities for seniors.

Lower volumes of through traffic will be directed towards Charlton Avenue, Herkimer Street, and the section of Bay Street which is North of Herkimer Street.

On Street Parking

Although parking on neighbourhood streets is a privilege, and not a right, a more equitable and existing parking system should be developed, so that residents without their own private parking space have the first priority to park on their own street as much as possible, without precluding the rights of visitors to park. The number of vehicles added by reason of this proposed new structure renders this virtually impossible.

Parking conflicts between residents and motorists using downtown commercial, institutional or entertainment facilities such as the Copps Coliseum, will be reduced by more readily available and accessible downtown parking areas, and a clearly marked sign system directing motorists to those parking areas.

Whenever a new parking area is created, a re-zoning will be required so that the benefits of full planning input are achieved.

Opportunities for new off-street parking areas will be examined, such as acquisition of property, use of existing open spaces if not required for other purposes, use of private parking areas, such as Central Public School, the Thistle Club, or St. Joseph's Hospital, etc.

The additional number of vehicles generated by the new proposed structure will add to the problem of the already acute downtown and neighbourhood parking problem.

Improvement of the storm and sanitary sewer system in Durand, by means such as separation of sewers will be encouraged.

The potential shadow effects of new buildings will be studied, to minimize adverse impacts on existing structures and land uses.

Setbacks for new buildings will take into account, existing setbacks and development of the setback area for pedestrians. For highrise residential/commercial development consideration will be given to requiring additional

To: Planning & Development Committee

setbacks for floors above the sixth story (approximately the height of mature trees) to minimize the intrusion of these buildings as viewed from street level. Landscaping and other amenities can be provided at the setback level. Where residential development is proposed in conjunction with commercial, additional setbacks will not be required for the residential components.

The Durand Neighbourhood Plan was proposed by the Planning and Development Committee of the Regional Municipality of Hamilton-Wentworth. The proposal for amendment to the zoning by-laws in my opinion is contrary to the proposals and the recommendations contained in the plan. Accordingly an acceptance of the proposal by your Committee is in absolute contradiction of your proposals contained in the Durand Neighbourhood Plan.

Yours truly


G.S. Morrow.

23e.

Sept 19/88

SEP 22 1988

As I sit writing this note I am being
 treated to the sight & sound of construction
 going on directly below my balcony. I have
 been subjected to the noise & dirt of this
 every day except Sunday for the better
 part of this year. It is with great
 anticipation that I, and I am sure my
 neighbors, look forward to at least
 one more year of this esthetically
displeasing state of affairs.

Continuing on this bent I cannot
 help but be disappointed in losing
 what little view of the escarpment I
 have left to enjoy. This ten story
 building which has been proposed will
 effectively turn my block into a
 concrete quadrangle. A building with
 fewer stories would be an acceptable
 compromise.



The Durand neighbourhood is known as a highly desirable location for living within the city. However the rash of construction over the past 2 years have made it a very noisy location in which to live. Another year of dust, dirt & noise will drive me crazy, and possibly to move!

Mary Huntley
200 Park St. South

PLANNING & DEVELOPMENT
LOCAL PLANNING BOARD

Mr. Michael R. Gillan

33 Robinson Street, Apt. 401
Hamilton, Ontario
Canada L8P 1Y8

SEP 22 1988

September 20, 1988

Planning Development Committee,
Hamilton, Ontario.

Dear Mr. Gervin:

Re: 85 Robinson Street

I am opposed to the suggested
plan to redevelop at this address.

"Nuisance" is not the word for it.

What is do not pretend to know

except that "a blind man on a

galloping horse" would be able to

figure out that 135 retirement and

110 condominium units add up to 245

with parking for 165 cars (and I

doubt that) on the site it certainly

leaves a great discrepancy. With
the restaurant, health club and
recreation, as mentioned, on

231

ever place is bound to happen. Even now,
both sides of Robinson Street from Queen
to Macdonald are filled, particularly in
the evening. Visitor parking at that
house is nil.

"The population complies with
the City of Hamilton Official Plan"
then my advice should be to revise
the plan.

We have gone through "mentos and
years of the "Garrison" being built
with no room for parking for
us who are already here.

The concept of living accommodation
sounds great but, from a fair practical
view, it is not.

This is written with out malice
but I think with common sense,
staying to hear from you, I am

Sincerely, Michael Gillan

239.

49 Robinson St. #600
Hamilton, Ont.
L8P 1Y7

The Corp. of the City of Hamilton
Dear Sirs,

Sept. 19/88

SEP 22 1988

I wish to oppose Synacare
Health Group Inc's application.
My opposition is not based upon the
proposed use of the land for
retirement units or condominiums
but on the limited parking proposed
for the project.

Parking for 165 cars is grossly
inadequate. If 135 retirement
units each have one car per unit
and the same for the 110 Condos little
if any room is available for Thistle
Club members.

The Thistle Club claim 400
members presently and have plans
for 200 more. Assuming it will
have 25% daily use for members and
employees and 50% use for special

functions there will be no
place to handle the parking
requirement.

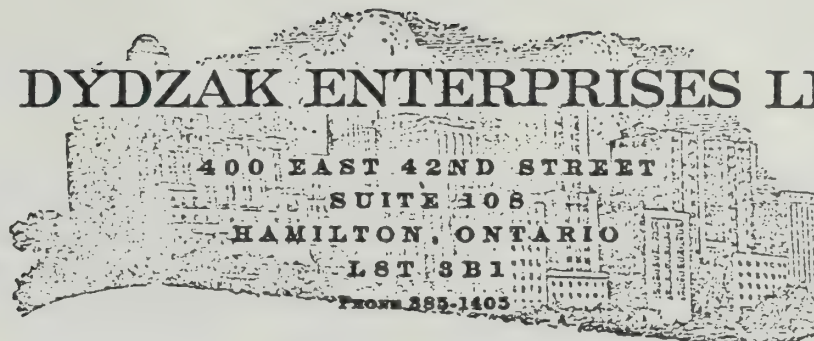
In my view there should
be at least 250 cars for residents
and guests and 75-100 spaces for
Thistle members. Obviously the
proposed 165 spaces is only half
what is needed.

We at the Garrison Condominium
the most recent structure in the area
have 19% more spaces than some
units. Any new development should
have something equalling this.

Yours truly
Geo. B. Millar

13 1581

JOHN DYDZAK ENTERPRISES LIMITED



25.

June 9, 1988

Alderman John Smith, Chairman
Planning and Development Committee
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8P 1H4

Dear Alderman Smith:

Re: Toronto City Council Proposal for a Land Speculation Tax

I am writing this letter to you so that it might be included on an agenda of the Planning and Development Committee for their consideration.

As recently reported in The Globe & Mail (Monday, May 23), the City Council of Toronto has passed a resolution urging the Ontario government introduce a province-wide Land Speculation Tax. The Speculation Tax proposed would be "slapped on... non-owner-occupied residential sales and apartment buildings". The purpose of my letter is to bring this to the attention of the Planning and Development Committee of the City of Hamilton and to suggest that such a resolution should not be passed by the City Council of the City of Hamilton. In fact, I would propose that the Hamilton City Council pass a resolution urging the province not to impose such a province-wide tax.

I base my proposal on the following:

The request for a province-wide tax stems from the particular situation which is occurring with land values in the Municipality of Metropolitan Toronto. Hamilton and, for that matter, the other municipalities comprising the Regional Municipality of Hamilton-Wentworth, have not experienced the sky-rocketing house prices occurring in Toronto. The same holds true for other municipalities in the province outside of Toronto; speculation is not a major factor in the increase of



house prices in these municipalities. Therefore, the suggestion of this type of tax would be to try and address a Toronto problem with province-wide legislation. Although this tax might help values in Toronto, it could seriously affect municipalities outside of Toronto.

A good example of similar legislation which has been introduced by the provincial government with province-wide force to deal with a local Toronto problem is the Rental Housing Protection Act. This act has prevented conversions of existing rental apartments to other uses. It will be remembered, with respect to the Rental Housing Protection Act, that the City Council of the City of Hamilton requested and was denied an exemption for the City under this act. The request was based on the view by our City that the Act was introduced to deal with a Toronto versus a province-wide problem.

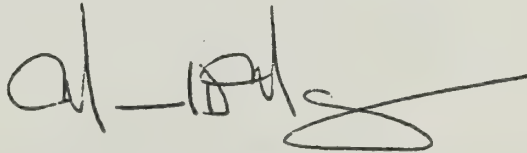
Ontario has already had a taste of a land speculation tax. Although province-wide, the tax most seriously affected municipalities outside of Toronto. After the introduction of this Act in 1974, development just about came to a grinding halt in municipalities such as our own. Although the proposed Speculation Tax would only apply to residential properties and thus development of commercial properties might not be affected, I would submit that it is in fact residential development that the City of Hamilton so desperately needs. With vacancy rates of less than one-half of one percent, it is clear that more residential property needs to be developed in Hamilton. The imposition of a tax such as that proposed would be a large disincentive for someone to develop residential properties. Land developers would seek to avoid such a tax by concentrating on the development of industrial and commercial properties.

Finally, I would like to comment on the applicability of this tax to apartment building sales. There is no question that the value at which apartment buildings have been changing hands in Hamilton and elsewhere has been steadily increasing. These increases in Toronto have particularly been criticized by opposition parties in the Ontario Legislature. The criticism stems from the fact that these increased prices can sometimes lead to increased rents through the provisions of the Rent Review legislation. The purpose for including apartment buildings under this Speculation Tax would be to hold down these units' resale values and, therefore, hold down rent increases. I would suggest that by imposing a speculation tax, the real problem, which is the Rent Control System, is not being addressed.

The imposition of a speculation tax on resales of apartment buildings would also lead to a drop in the levels of maintenance in many buildings owned by speculators. Although the effect on an apartment owner who intends to own apartment units in the long term, such as my own company, would be negligible, a speculator seeking to maximize his return in as short a period as possible would seek a method of neutralizing the effect of a speculation tax on his profits. Since a speculator intends to own an apartment building for only a short time, the level of maintenance in such a building is to begin with already low. If that speculator then is seeking a means to somehow recoup the amount to be paid out in tax, it would be obvious that the first thing to be cut would be the remaining amount of maintenance. Therefore, instead of helping tenants by keeping rent increases lower, any tenant in a building owned by a speculator would be disadvantaged by the cut in maintenances and services.

To conclude, I would urge the City Council to pass a resolution that such a speculation tax not be implemented. Although the City of Toronto might feel that such a speculation tax is needed to solve problems which are particular to Toronto, the imposition of such a tax would seriously affect the development of new housing in Hamilton.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'M. Mongeon', with a long horizontal flourish extending to the right.

Marcel D. Mongeon

MDM/jt

cc: Mr. Wm Sears
Mayor R. Morrow

F O R A C T I O N

25a.

REPORT TO: SUSAN REEDER, ACTING SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

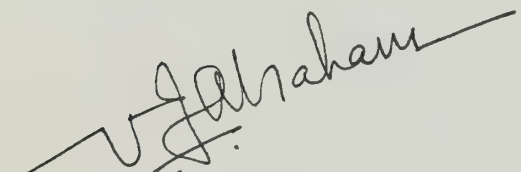
DATE: 1988 September 13
COMM FILE:
DEPT. FILE: P5-4-44

SUBJECT:

Toronto City Council proposal for a land speculation tax.

RECOMMENDATION

That the Planning and Development Committee take no action on a position regarding a land speculation tax, as it is premature, until such time that the Province indicates a willingness to, and introduces a policy statement on the matter.


V.J. Abraham, M.C.I.P.
Director of Local Planning


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

In a letter to the Chairman of the Planning and Development Committee, Mr. Marcel Mongeon of John Dydzak Enterprises Ltd. raised his concerns with the City of Toronto's request to the Province to introduce a land speculation tax (see attached letter). Mr. Mongeon is bringing to Council's attention the direction that the City of Toronto is pursuing with respect to housing matters. He requests that Hamilton City Council:

- o pass a resolution urging the Province not to impose a province-wide land speculation tax.

The land speculation tax, as proposed by Toronto, would apply to all non-owner occupied residential sales (including apartment buildings) at a rate of 65% of the capital gains, less the annual rate of inflation. The intent of this tax would be to stabilize housing prices in Metropolitan Toronto.

Premier Peterson, in a letter responding to the City of Toronto's request (see attached) is reluctant to introduce such a tax for the following reasons:

1. the difficulty of determining to what extent has speculation been major factor in the rapid increase in rising house prices;
2. significant problems with administration of the tax; and,
3. the tax alone would not alleviate the affordability problem.

Based on the preliminary comments from Premier Peterson, it is unlikely that the Province will introduce a land speculation tax at this time.

CONCLUSION

Given the Province's reluctance to deal with the issue of land speculation, it would be premature for City Council to inact a resolution respecting the issue. If and when the provincial government introduces a policy paper on a land speculation tax or demonstrates its intention to do so, the City of Hamilton would then be in a better position to respond to the specifics of the taxation proposal, rather than dealing with a vague request.

JH:CS
0330P

(Council Action May 16, 17 and 20, 1988)

Council amended this Clause by adding at the end thereof the following:

"It is recommended:

1. That the Province of Ontario be requested to implement a land speculation tax which would be applied to all non-owner-occupied residential sales (including apartment buildings) at a rate of 65% of the capital gain, less the annual rate of inflation;
2. That all revenues so derived be used to build and/or renovate affordable non-profit housing within the municipality which generated the revenues (to be known as the Housing Action Fund);
3. That this Housing Action Fund be over and above existing and planned programs funded through general revenues;
4. That should the Province not be prepared to administer this program, it be requested to grant the necessary powers to implement these goals at a local and/or regional municipal level, and
5. That City Council approach the Province about freeing up lands for the construction of housing in the City as quickly as possible".

REFER

8806849

JUL 21

AM '88

The Premier Le Premier ministre
of Ontario de l'Ontario

Legislative Building
Queen's Park
Toronto, Ontario
M7A 1A1

Hôtel du gouvernement
Queen's Park
Toronto (Ontario)
M7A 1A1

July 18, 1988

Dear Mr. Henderson,

Thank you for your letter of May 31, 1988 along with the attached copy of Clause 14 contained in Report No. 11 of the Neighbourhoods Committee, entitled Land Speculation Tax.

Like members of City Council, the Ontario Government is aware of the problems caused by the rapid escalation of house prices in the Metro area. We are also aware of the difficulty of determining the extent to which speculation has been a major factor in this increase. I note that the report from the Commissioner of Housing stated that "the key demand factor (in the dramatic increase in house prices) has been the recent surge in population migration to Toronto", and conceded that it is difficult to "determine what degree of increased demand has been due to speculative factors". Similarly, the report from the Commissioner of Planning and Development acknowledged the impact of migration to Toronto, moderation in mortgage rates since 1985, rising incomes and speculative factors as all contributing to escalating housing prices.

In this kind of environment where there is uncertainty about the respective roles played by speculative and non-speculative demand factors in the price escalation, one has to be cautious about implementing a policy aimed at curbing speculative activity as a cure for escalating housing prices.

The Ontario Government is also aware of the affordability problems created by house price increases. However, at this time the government is not convinced that a speculation tax by itself can substantially alleviate the situation. It also appears that the price pressure may be easing.

There are other reasons for the government's reluctance to introduce a speculation tax now. Experience with the former land speculation tax suggests there were significant problems with its administrative feasibility. The number of necessary exemptions granted made the legislation difficult to understand and enforce. Should a tax be introduced again, exemptions would certainly have to be granted, thus opening the way for a recurrence of the former problem. One also has to consider the appropriateness of imposing a province-wide tax to deal with a problem which is essentially Metro based.

With respect to the 65 per cent rate of tax suggested in the proposal, gains on the sale of non-principal residences attract income tax either as ordinary income or capital gains. It means, therefore, that in some instances, the income tax rate is already as high as 45 per cent. A tax of 65 per cent less inflation means that combined taxes well in excess of 100 per cent could result.

Finally, concerning your recommendation that the province free up its lands in Toronto for the construction of housing, you may be aware of the government's Housing First policy which encourages the construction of affordable housing on surplus provincial lands. Since some surplus lands are unsuitable for this purpose, the province has established a Housing Development Fund through which revenues from the sales of such land will be made available to fund other affordable housing initiatives. My colleague, the Honourable Chaviva Hosek, Minister of Housing, would be able to advise you on the status of its land parcels in Toronto.

- 3 -

Thank you for sharing Council's views with
me.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David Peterson'. The signature is fluid and cursive, with a large loop at the end.

David Peterson

Mr. Roy V. Henderson
City Clerk
Department of the City Clerk
City Hall
Toronto, Ontario
M5H 2N2

cc: Honourable Chaviva Hosek
Minister of Housing

Corporation of the City of Hamilton
Memorandum

TO: Alderman J. Smith, Chairman
and members of the
Planning and Development Committee

YOUR FILE:

FROM: Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE: 526-2753

SUBJECT: "Reports to Follow" -Planning and
Development Committee Meeting -
Wednesday, 1988 September 28th.

DATE: 1988 September 27

Attached herewith, for your review, are Items No. 23 and 24 as referenced in the Agenda for the next Planning and Development Committee to be held Wednesday, 1988 September 28th.

Since both of these Reports are quite lengthy and complex, I felt it best that you receive them as quickly as possible.



SKR:dbm
Atch's.

c.c.'s. - Mr. V. Abraham, Director of Local Planning
✓ - Ms. C. Deiter, Urban Municipal Librarian

FOR ACTION

23

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

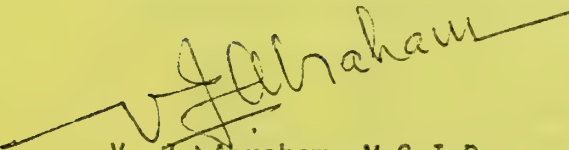
DATE: 1988 September 26
COMM FILE:
DEPT. FILE: ZA-88-88
Durand
Neighbourhood

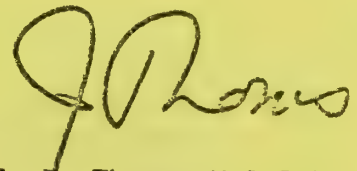
SUBJECT: SEP 26 1988

Request for a modification to the established zoning - No. 85 Robinson Street (Thistle Club).

RECOMMENDATION

- (a) That Zoning Application ZA-88-88, Dynacare Health Group Inc., owner, requesting a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to permit a 10 storey multiple residential building having 135 retirement units (residential care facility - 162 residents), 110 condominium units, and support services to be developed in conjunction with the retention of part of the Thistle Club, for property located at No. 85 Robinson Street, shown on the attached map marked as APPENDIX "A", be TABLED and:
- i) The Planning and Development Department be directed to meet with the applicant and/or agent to explore alternatives to provide for the architectural conservation of the "Curling Rinks" original facade, and to reduce the scale, density and bulk of the proposed development so that it is more sensitive to the established character of the surrounding area.
 - ii) That the Planning and Development Department report back to the Planning and Development Committee at its meeting of October 12, 1988.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Zoning Application ZA-87-37

A previous zoning application (ZA-87-37) was submitted for a change in zoning on the subject lands from the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to the "E-3" (High Density Multiple Dwellings) District to permit the following:

- To demolish the existing curling rink structure and construct a 13 storey (130 ft.) apartment building having 192 units, fronting on Robinson Street;
- The construction of two, 2 storey town house buildings containing four units each, fronting on Charlton Avenue.

A Public Meeting was held on May 13, 1987 to consider the application, however, a question arose on the legality of the application respecting ownership. Following discussion, the application was withdrawn.

Subsequently, a new application was submitted by the same group. However, at its meeting of May 27, 1987 the Planning and Development Committee passed a resolution that it would accept an application "only from the owners of the property".

- Proposed Development

The applicant proposes to construct a 10 storey multiple residential building having 135 retirement units, 110 condominium units, and support services (e.g. meals, health, recreation) to be developed with the retention of part of the Thistle Club.

Parking for 165 cars is to be provided on site.

APPLICANT

Dynacare Health Group Inc., owner.

LOT SIZE AND AREA

The subject property has approximately:

- 86.411 m (283.5 ft.) of frontage on Robinson Street;
- 74.981 m (246.0 ft.) of frontage on Charlton Street;
- 53.020 m (173.9 ft.) of frontage on Park Street; and
- 7,871.4 m² (1.94 ac) of lot area.

LAND USE AND ZONING

<u>SUBJECT LANDS</u>	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
	Private Recreational (Thistle Club - Curling and Raquet Club).	"E" (Multiple Dwellings Lodges, Clubs, etc.) District.
<u>SURROUNDING LANDS</u>		
to the north	Multiple Dwellings (apartment buildings).	"E-3" (High Density Multiple Dwellings) District.
to the south	Single-family dwellings and Durand Park.	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District.
to the east	Hamilton Officers Club & medical offices.	"C" (Urban Protected Residential, etc.) District modified, and "E" (Multiple Dwellings, Lodges, Clubs, etc.) District.
to the west	Single-family dwelling, converted dwellings, medical office and (apartment building).	"E" (Multiple Dwellings Dwellings, Lodges, Clubs, etc.) District.

OFFICIAL PLAN

The subject lands are designated "MAJOR INSTITUTIONAL" on Schedule "A" - Land Use Concept of the Official Plan. In this regard, "...Residential uses may be permitted provided they are compatible with the surrounding area." (Policy A.2.6.5.).

In addition, the subject lands are also located within "SPECIAL POLICY AREA 3" (Central Policy Area) on Schedule "B" - Special Policy Areas. Accordingly, the following policies, among others, apply to the proposal:

- "2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1 (ii); (O.P.A. No.27).

- i) It is the intent of Council to strengthen the Residential function of the AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;
- ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;
- v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;
- xii) To enhance the quality of a high density Residential and Commercial/Residential development, Council may, where deemed appropriate, permit additional Residential density, where the proponent provides landscaped areas in excess of the Zoning By-law provisions in accordance with Subsection D.3 of the Plan."

On the basis of the foregoing, the proposed use(s) would not conflict with the general purpose of the plan. However, the development contravenes the intent of the Plan, in that the scale, density and bulk would be incompatible with the established character of the area (Policy 2.9.3.1.v)).

NEIGHBOURHOOD PLAN

The subject lands are designated "CIVIC AND INSTITUTIONAL" in the approved Durand Neighbourhood Plan. The proposal does not comply. Approval of the application would require a redesignation to "INSTITUTIONAL AND HIGH DENSITY APARTMENTS".

RESULTS OF CIRCULARIZATION

- The Hamilton Region Conservation Authority has no objection.
- The Hamilton-Wentworth Department of Engineering has advised as follows:
"...public watermains as well as storm and sanitary sewers are available to service the subject lands.

We do not anticipate any further road allowance widenings at this time.

With respect to the site plan, we advise that no portion of the underground structure, buildings, etc., may encroach into the adjacent road allowances. Any work within the adjacent road allowances must conform to the City's Streets By-law. We also recommend that the applicant contact BUD (527-7977) prior to any work within the road allowance and any relocation of utilities is the responsibility of the applicant.

Comments from the City's Traffic Department should be considered with respect to the access design. The grade of the access(es) within the road allowance(s) is not to exceed 3%. Furthermore, all vegetation, etc., within 3 m of the accesses is not to exceed a mature height of 0.80 m above the centre line elevation of the respective streets."

• The Building Department has advised as follows:

- "1. Two principal buildings on the same lot used for a residential purpose is not permitted. (Section 4.(3)(a)).
2. A residential care facility for the accommodation of more than 20 residents is not permitted (Section 11.(1)(iiib)).
3. A residential care facility in the same residential building as the multiple dwellings is not permitted. (Section 2.(2)A.(xiiaa)).
4. The westerly side yard and the rear yard (Charlton Avenue) shall be at least 13.5 m (Section 11(3)(ii)(b) and (iii)(b)).
5. The canopy to the front and rear of the building shall not project more than 1.5 m into the required yards. (Section 18.(3)(vi)(b)(i) and (ii)).
6. The gross floor area ratio is 1.7 and permits a maximum of 13381.38 m² gross floor area of all buildings. (Section 11.(5)).
7. The minimum radial separation distance of 180.0 m from an existing residential care facility has not been maintained. (Section 11.(7)).
8. The accessory building/structure located in the rear yard (Charlton Avenue) is not permitted in a required landscape area (Section 2.(2)(J)(xb) & 18A.(12)).
9. The location of the loading space, 3.7 m x 18.0 m has insufficient manoeuvring space and may be a hindrance between the loading space and the access driveway (Section 18A(32) & (33)).
10. The loading area requires a minimum 1.5 m wide planting strip adjacent to the residential district. (Section 18A(11) & (12)).
11. Based on the 1980 floor plans of the Thistle Club, there appears to be areas other than have been indicated on the proposed site plan application such as lounge areas, lawn bowling or nursery and a squash court gallery area that are subject to the parking requirements.
12. Based on the information received by this Department, the residential care facility is 135 units and not people. The ratio is 1.2 persons per unit, which would be 162 persons total. Therefore, nine additional parking spaces would be required.

13. A complete parking layout has not been received, therefore, it is not possible to determine if all parking requirements have been met".

- The Traffic Department has advised as follows:

"The Traffic Department concurs in the conclusions of the applicants engineering consultant with respect to the ability of the existing roadway system to accommodate the traffic generated from this proposal.

We cannot however agree with the conclusions of the consultants "Draft" report suggesting that 118 parking spaces will satisfy the parking demand of the project. We also note that the applicants have submitted a revised preliminary site plan which indicates that 163 parking spaces are to be provided. It is our understanding that the residential care facility parking requirement should be 54 cars vs the 45 indicated (based on 162 occupants @ 1.2 persons/unit). The applicants consultant has also suggested that a realistic estimate of parking requirements for the racquet courts is 3.5 spaces per court or 35 spaces vs the 5 currently shown on the plan.

Our review of the preliminary plan for the proposed parking areas indicate that minor modifications are required to provide adequate manoeuvring in the area of the ramp to the lower level and to improve vehicular circulation throughout the site. The recommended modifications are shown in red on the attached plan. We further suggest that the applicant modify the column placements so that they are not located at the back corners of parking spaces. This makes accessing these spaces more difficult."

- LACAC has advised as follows:

"1. Architecture:

The first priority is to conserve the original facade of the 1889 Curling Rink section (the facade west of the corner racquet club). LACAC Research Committee agreed that the Curling Rink facade was worthy of designation in its entirety. The Racquet Club at the corner has undergone major alterations so was not considered worthy of designation by itself.

The incorporation of the central bay of the original 1889 Curling Rink in the proposed structure has a symbolic function by re-using part of the building as an artifact but does not constitute the preservation of the original building.

2. Context:

Concern was expressed that an increased density bonus would work against a successful integration with the nearby historic residential neighbourhood."

COMMENTS

1. The proposed uses would not conflict with the general purpose of the Official Plan. However, the proposed development conflicts with the intent of the Plan, in that the scale, density and bulk would be incompatible with the established character of the surrounding area.
2. The proposal does not comply with the approved Durand Neighbourhood Plan. Approval of the application would require a redesignation from "CIVIC AND INSTITUTIONAL" to "INSTITUTIONAL AND HIGH DENSITY APARTMENTS".
3. The following is a summary of the positive and negative aspects of the proposed development:

3.1 Positive Aspects

- It would provide accommodation for senior citizens.
- It is suitably located in proximity to the Central Business District; public transit; cultural, social and recreational facilities; etc.

3.2 Negative Aspects

- The size, density and bulk of development would be incompatible with established development in the surrounding area.
 - Approval of the application would establish an undesirable precedent for future similar applications, in that the proposed floor area ratio (2.8 x lot area = 238,199 sq.ft.) is 1.6 x greater than what is permitted under the established "E" District zoning (1.7 x lot area = 144,040 sq.ft.). In this regard, it should be noted that under an "E-3" (High Density Multiple Dwellings) District the maximum floor area ratio that would be permitted is 2.55, excluding landscape bonuses.
 - Nothing significant has been done to provide for the architectural conservation of the "Curling Rink's" original facade (see APPENDIX "B"), which has been identified as being worthy of designation.
4. The following is an analysis of the required zoning modifications, as identified by the Building Department:

4.1 Multiple Uses

Section 4.(3)(a) of By-law No. 6593 does not permit two principal buildings on the same lot used for residential purposes, whereas the proposal is to permit a combination of uses (i.e. Thistle Club, multiple dwelling, residential care facility).

Furthermore, by definition (Section 2.(2)(A).(xiiaa) a "'residential care facility" means a fully detached residential building occupied wholly by a maximum number of supervised residents as permitted by a district..." The purpose of this restriction is to avoid potential conflicts between multi-occupants.

However, the concept of providing a mixed use retirement community in the Central Area is worthy of further consideration.

4.2 Residential Care Facility

Zoning By-law No. 6593 does not specifically permit "Retirement Homes". Therefore, for purposes of By-law interpretation and enforcement the proposed "Retirement Home" is considered, by definition, to be a "Residential Care Facility". In this regard, the proposal requires modifications to the By-law regulations respecting capacity and radial separation distance.

The proposal provides for 135 retirement units (residential care facility) having approximately 1.2 persons/unit for a total capacity of 162 persons, whereas a maximum of 20 residents is permitted in the "E" (District (Section 11.(1)(iii)(b))).

In addition, the proposed facility would be located within 180.0 m (600 feet) of approximately 9 other residential care facilities (see APPENDIX "C") which is not permitted (Section 11.(7)).

Considering that the retirement home (residential care facility) is intended to be a functional part of the proposed development, whereby residents of the condominiums will move into the retirement home portion of the community as the need arises, the proposal is worthy of further consideration. However, any approval should be on the basis of restricting occupancy of the facility to seniors only (i.e. 55 years of age and over).

4.3. Floor Area Ratio

The proposed development (i.e. condominiums, retirement home, Thistle Club) would provide for a total gross floor area of 22,128.67 m² (238,198.8 sq.ft.) for a floor area ratio factor of 2.8 x lot area, whereas a maximum of 1.7 x lot area or 13,381.38 m² (144,040.6 sq.ft.) is permitted (Section 11.(5)).

The applicant has requested that the above grade amenity space (e.g. kitchen, dining room, lounge, resident activity areas, etc.) for the residential care facility (1,202.07 m² or 12,939.38 sq.ft.) and the Thistle Club (2,672.3 m² or 28,765.33 sq.ft.) be exempted from the gross floor area calculations, thereby resulting in a gross floor area of 18,254.3 m² (196,494 sq.ft.) for a floor area ratio factor of 2.3.

The basis for the requested exemptions are that the applicant intends to extend the amenity/service space for the residential care facility to the seniors living in the nearby community areas, and to preserve the Thistle Club as a private club serving the community/club members.

Although the intent of providing community based amenity/service space is innovative it is not practicable, because accessibility, utilization, program design, facilities, liability etc. cannot be assured. Furthermore, the provision of amenity/service space is fundamental to the effective operation of a residential care facility, and is not normally excluded from the gross floor area calculations.

With respect to the preservation/continued operation of the Thistle Club, this is not a planning issue and in itself does not justify a gross floor area exemption. However, the LACAC Research Committee has advised that the original "Curling Rink" facade (see APPENDIX "B") is worthy of designation in its entirety and should be conserved.

In this regard, the applicant has submitted a preliminary design rendering which incorporates the re-use of the "Central Bay" portion of the "Curling Rink" facade into the entranceway of the proposed retirement community building (See APPENDIX "D"). Nevertheless, the re-use of only the "Central Bay" does not constitute architectural conservation, in that the original facade of the "Curling Rink" would virtually be demolished. Furthermore, the retention of the raquet club/office entrance (see APPENDIX "B") is not significant, as the important architectural features have been eliminated by past renovations.

In its submission entitled "Planning Assessment on Thistle Place Residential Development", the applicants planning consultant compared the proposal to the By-law passed for the Royal Hamilton Military Institute property located at the south-east corner of Park Street South and Robinson Street, which premitted a density transfer.

It should be noted that the circumstances involving the Military Institute were significantly different than those associated with the subject application. More specifically, the density from the block of land containing the Royal Hamilton Military Institute was transferred to a vacant block to allow for the architectural preservation of the Military Institute building in its entirety, while at the same time permitting an apartment building on the vacant block of a size which would have been permitted under the "E" District zoning applicable to both blocks. Furthermore, as a result of an OMB Hearing, the implementing By-law (81-346) was subsequently amended (By-law 83-98) to restrict the density of development to a maximum of 21 units. Conversely, the proposed development does not provide for the architectural conservation of the original "Curling Rink" facade. Furthermore, in addition to the gross floor area exemption for the Thistle Club, the applicant is requesting a further exemption of approximately 6,075 m² (65,393 sq.ft.) of gross floor area.

It should be noted, that the requested modification to the floor area ratio (2.8 vs 1.7) even exceeds that which would be permitted under an "E-3" (High Density Multiple Dwellings) District (maximum 2.55 F.A.R.).

On the basis of the foregoing, the requested exemptions and modifications to the floor area ratio cannot be supported. Approval of a modification of this magnitude would set an undesirable precedent for future similar applications. Furthermore, contrary to the planning consultants submission, the scale, density and bulk of development, as proposed, would be incompatible with the established character of the surrounding area.

However, consideration could be given to a floor area bonus (to be determined), provided the original facade of the "Curling Rink" is conserved, preferably as part of the streetscape.

4.4 Side and Rear Yard

The applicant proposes to provide a westerly side yard and a rear yard (Charlton Avenue) of 8.0 m, whereas 13.5 m is required. (Section 11.(3)(ii)(b) and (iii)(b)).

The requested reduction in the westerly side yard can be supported, as it only affects the front portion of the proposed condominium which adjoins the access driveway from Robinson Street. The balance of the building has a side yard setback ranging from 24.3 m to 33.5 m, for an average setback greater than the required 13.5 m.

The requested modification to reduce the rear yard setback from Charlton Avenue to 8.0 m can also be supported because:

- it functions as a front yard for the residential care facility portion of the building;
- it is greater than the maximum required front yard setback in an "E" District (i.e. 7.5 m);
- it is consistent with the proposed front yard setback from Robinson Street (8.1 m), and is no less feasible.

Furthermore, the planning consultants submission that the requested modification is the result of the corner lot configuration is valid.

4.5 Canopy and Balcony Projections

The proposed canopy would project 2.5 m into the required front yard, whereas a projection of 1.5 m is permitted (Section 18.(3)(vi)(b)(i)).

Similarly, the proposed balconies would project 1.4 m into the required front yard, whereas a projection of 1.0 m is permitted (Section 18.(3)(vi)(cc)(i)).

The requested modifications are minor in nature and can be supported.

4.6 Parking

The applicant's planning consultant has calculated that a minimum of 163 parking spaces are required for the proposed development. According to the site plan submitted with the application a total of 165 spaces are to be provided, thereby allowing for a purported surplus of 2 spaces.

However, it appears that the consultant has miscalculated the requirements for the residential care facility and the racquet court portion of the Thistle Club. The parking analysis portion of the "Planning Assessment" shows that 45 spaces are required for the residential care facility on the basis of 1 space/3 units. Actually, the correct ratio is 1 space/3 residents. The consultant has advised that there will be an average of 1.2 persons/unit for a total of 162 residents (135 units x 1.2 persons/unit = 162). Accordingly, a minimum of 54 parking spaces ($162 \div 3 = 54$) not 45 are required, for a deficiency of 9 spaces.

With respect to the racquet courts, the planning consultant has indicated that 5 spaces are required based on 26 persons @ 1 space/6 persons, which is the By-law requirement for a place of assembly. Nevertheless, the applicant's traffic consultant and the City Traffic Department have suggested that a more realistic requirement would be 3.5 spaces/court or 39 spaces ($11 \text{ courts} \times 3.5 = 38.5$), thereby requiring an additional 34 spaces.

On the basis of the foregoing, a minimum of 41 additional parking spaces are required ($163 + 9 + 34 = 206 - 165 = 41$). Furthermore, the Building Department has advised that:

"Based on the 1988 floor plans of the Thistle Club, there appears to be areas other than have been indicated on the proposed site plan application such as lounge areas, lawn bowling or nursery and a squash court gallery that are subject to the parking requirements.

Considering that the condominium portion of the proposal qualifies for a reduced parking rate (0.8 spaces/unit vs 1.25 spaces/unit), and the planning consultant recognizes the Durand Neighbourhood Associations concerns over the existing on-street parking problems, no reduction in parking can be supported.

4.7 Planting Strip

Sections 18A.(11) and 18A.(12) require a minimum 1.5 m setback and planting strip between the parking area/loading space and the adjoining residential district. The proposal provides for a minimum 2.2 m setback/landscaping strip between the surface parking area and the adjoining residential district, and a 0.4 m setback/planting strip between the access driveway and the adjoining residential property.

However, one loading space is located so that it adjoins the 0.4 m strip instead of a minimum 1.5 m as required (Section 18A.(11)(a) and 18A.(12)(b)). Considering the technical/minor nature of the variance, it can be supported.

4.8 Accessory Building

The proposal provides for a pedestrian entranceway with safety railing to the underground parking lot at the extreme southwest corner of the property adjacent to Charlton Avenue. Since the structure is located in a sections 2.(2)(J)(xb) and 18A.(12) are required.

The variances are minor in nature and can be supported.

5. The proposed development, as submitted, cannot be supported for the following reasons:

- the scale, density and bulk of development would be incompatible with the established character of the surrounding area. In this regard, the proposal would have a gross floor area ratio of 2.8 x lot area (approx. 238,199 sq.ft.), whereas a ratio of 1.7 x lot area (approx. 144,040 sq.ft.) is permitted;
- approval of the application would set an undesirable precedent for future similar applications; and
- it would result in the demolition of a listed historical building ("Curling Rink" facade), which has been identified as being worthy of designation for architectural conservation.

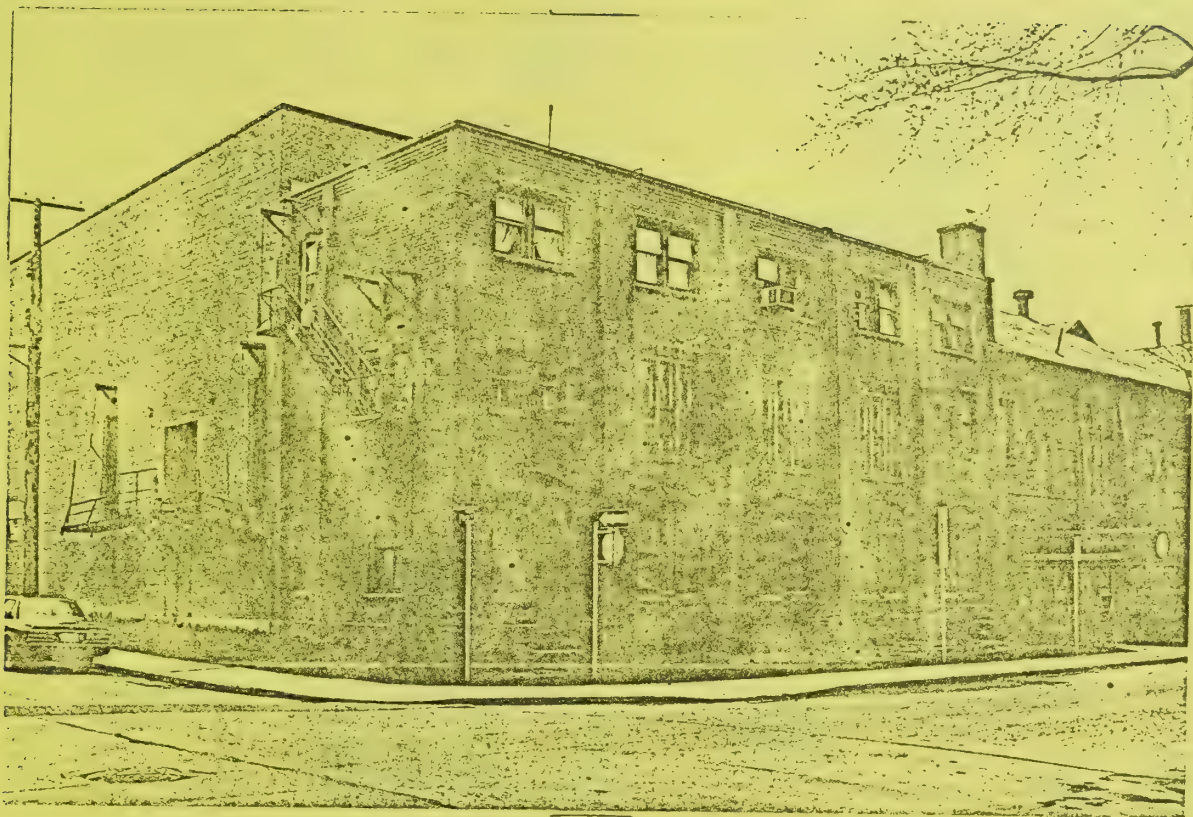
However, consideration could be given to an amended application which would provide for a development having a scale, density and bulk that is more sensitive to the established character of the surrounding area, and provides for the architectural conservation of the "Curling Rinks" original facade.

CONCLUSION

On the basis of the foregoing, the application should be TABLED, and the Planning and Development Department be directed to meet with the applicant and/or agent to explore alternatives for the architectural conservation of the "Curling Rinks" original facade; and to reduce the scale, density and bulk of development so that it is more sensitive to the established character of the surrounding area. In this regard, the application should be rescheduled for the October 12, 1988 Planning and Development Committee meeting.

PDM/ma

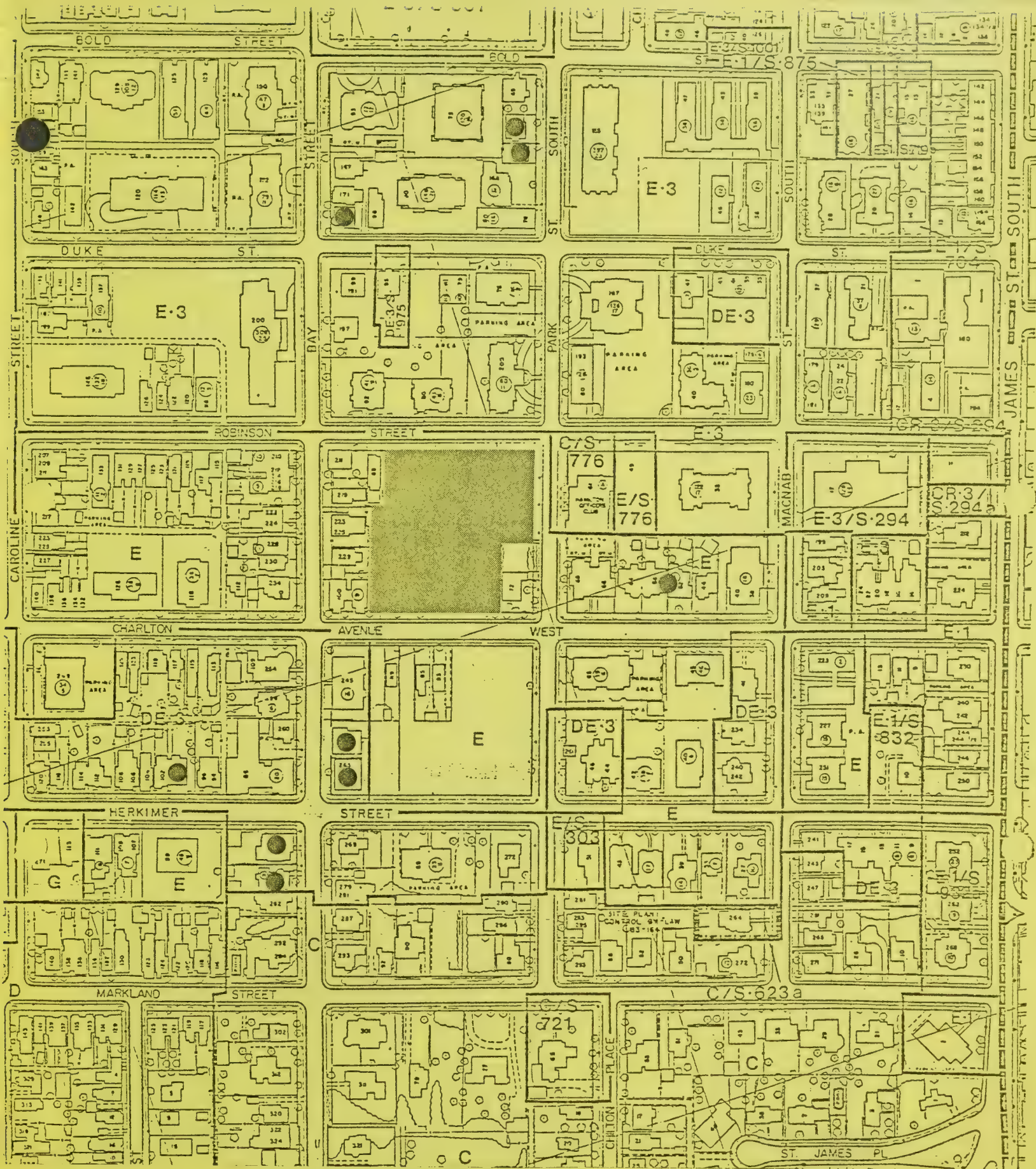
WP0057P



Racquet Club
Offices of the Thistle Club and entrance.



The Curling Rink, 1889 which will be demolished for new building.



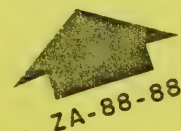
LEGEND



SITE OF THE APPLICATION



LOCATION OF RESIDENTIAL
CARE FACILITIES



2A-88-88

APPENDIX "C"

FOR ACTION

24.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

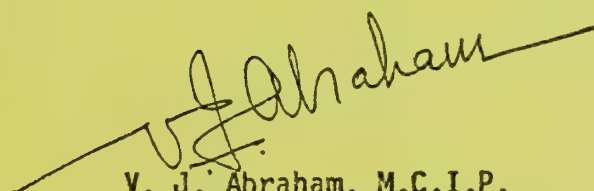
DATE: 1988 September 19
COMM FILE:
DEPT. FILE: P5-4-7-9

SUBJECT:

Official Plan Amendment No. - Central Area Plan.

RECOMMENDATIONS

- (a) That the Planning and Development Committee recommend to Council that Official Plan Amendment No. - Central Area Plan be adopted;
- (b) That the City Solicitor be authorized to prepare the By-law of Adoption for the Amendment in (a) above; and,
- (c) That the City Clerk be authorized to submit the Amendment in (a) above to the Hamilton-Wentworth Council for final approval once the By-law of Adoption is passed by the City.


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

The original Central Area Plan was approved by the City on January 13, 1981. The Plan provided policy direction to guide the growth and development of the Central Area into the next century. The Central Area of the City is bounded by the Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue.

To implement the Plan, Council in 1984 established the Central Area Plan Implementation Committee (CAPIC). This Committee, which reports to the City's Planning and Development Committee, is comprised of representatives from business, labour and community organizations.

Since the adoption of the Central Area Plan in 1981, a number of major development proposals have been approved and/or implemented. In addition, given changing community expectations and economic trends, CAPIC perceived the need to undertake a review of the original Plan, and as such, received Council authorization to initiate the review.

CAPIC has completed the review, and has prepared a proposed Central Area Plan Update. CAPIC's intent was to incorporate the finalized Update in the Hamilton Official Plan through an Amendment.

On December 4, 1987, CAPIC endorsed the proposed Update for public presentation. On February 10, 1988, the Planning and Development Committee authorized CAPIC to initiate a public participation program to provide the public an opportunity to comment on the proposed Update.

PROPOSED CENTRAL AREA PLAN UPDATE

In essence, the proposed Central Area Plan Update re-affirms the basic philosophy of the original Plan, which is to ensure the maintenance and enhancement of an attractive and vibrant Central Area.

More specifically, the goals of the Update include the following:

- provide an attractive lively, human scale environment with appropriate physical social and human infrastructure;
- give greater priority to the Central Area in terms of planning, development, implementation, monitoring and promotion;
- maintain and increase the resident population, commercial services, social and government services, as well as the quality of life in general;
- direct new multi-purpose developments into the downtown core with special emphasis on residential components;
- minimize the impact of through-traffic on the downtown core and residential neighbourhoods;
- encourage mixed-use development;
- encourage effective urban design, architectural considerations, and energy conservation in land use and building location, content, and style through appropriate urban design guidelines;
- encourage suitable waterfront development with appropriate links to the downtown;

- enhance the Central Area's role in the Hamilton-Wentworth Region and the surrounding Market Area particularly regarding commercial development; and,
- direct attention to the primary objectives of growth, job creation and a healthy economy; and,
- ensure the highest environmental standards which are fundamental to effective urban planning.

PRESS CONFERENCE

On April 29, 1988, a press conference was held by CAPIC to advise the media that a full public participation program will be launched to afford the public an opportunity to review the Update. During the conference, the details of the program were outlined, which include the following:

- a series of public exhibitions held in various major shopping malls throughout the City during the month of May, 1988;
- a mail-back questionnaire and request for written submissions;
- an Open House on May 30, 1988.

The unveiling of the proposed Update at the conference generated some discussion by members of the press. The conference was well attended and received media coverage.

PUBLIC EXHIBITIONS AND OPEN HOUSE

During the month of May, 1988, public exhibitions were held in various shopping malls. In particular, four malls (Centre Mall; Jackson Square; Eastgate Square; and Limeridge Mall) were visited, each for a duration of two days (Thursdays and Fridays). The exhibitions included a series of display panels highlighting the main components of the Update.

The display also incorporated a number of illustrations depicting the key attributes of the Central Area. The visits to the malls were manned by a staff member at all times. A summary brochure of the proposed Update was also distributed to the public to provide background information. The brochure also included a postage-paid self-addressed questionnaire inviting the public to submit their comments.

In addition, the brochure also invited separate submissions. However, no separate submissions were received by the Planning and Development Department. Generally, the exhibitions were well attended. Approximately 500 persons visited the exhibitions, which provided an excellent forum for community involvement and participation. The public appeared to be interested in the proposed Update and the majority of the visitors picked up a copy of the brochure and questionnaire package.

On May 30, 1988, an Open House was held in City Hall to seek additional public input.

QUESTIONNAIRE RESULTS

The format of the questionnaire included 20 specific and four general questions. The specific questions asked each respondent to categorize the importance of the various land use aspects in the Central Area. The general questions allowed the public an opportunity to express their views and thoughts freely on how to improve and make the Central Area a more attractive and desirable focal point of the City.

A total of 50 questionnaires were returned to the Planning and Development Department. The returns indicate that approximately half of the respondents feel that it is very important to establish an eastern anchor in the vicinity of King and Wellington Streets. The majority of the respondents are of the view that more housing should be established in the Central Area. Based on the returns, there appears to be a consensus that through traffic should be rerouted away from the downtown area.

The returns have also revealed that approximately 66% of the respondents view urban design, quality architecture and building preservation as very important components in the fabric of the Central Area.

The response to the general questions indicate that most citizens agree that recent developments have significantly improved the overall image of the Central Area. The respondents also agree that the Downtown Core is the City's commercial, cultural and entertainment focal point. In this regard, they have indicated that the diversity of uses in the downtown area (i.e., retail shopping stores, Hamilton Place, the Farmers' Market, the Library) is the Area's most prominent feature.

Based on the returns, there is a general acceptance that the downtown area will continue to grow and develop in a westerly direction. As such, the respondents have indicated that every effort should be made to encourage and facilitate development along King Street East, including the fruition of an eastern anchor in the King, Catharine and Wellington Streets area.

OTHER COMMENTS

In addition to the public comments and a previous circularization process, the draft Central Area Plan was circulated to various agencies and departments for their comments. On June 6, 1988, a letter was circulated indicating that, based on previous comments, the Plan was revised. The letter also requested additional comments on the proposed Central Area Plan Update.

A total of six (6) agencies submitted additional written comments. These comments ranged in nature from identifying typographical errors to minor policy changes in the context of the particular agency's mandate. For example, the Hamilton Conservation Authority stated that they concur with the intent of Section 4.6 - Waterfront Recreation, to preserve and enhance public access to the Harbour Front. The Niagara Escarpment Commission suggested that Section 4.4 - Neighbourhood Residential should ensure stronger recognition and protection of the Niagara Escarpment.

In summary, the comments are suggesting minor technical changes, which do not alter the basic philosophy and thrust of the Plan Update.

In addition to the above, staff from various departments have had an opportunity to also provide comments on the proposed Update. As a result, specific changes have been suggested to the Update which, in essence, could be capsulated in the following broad categories:

- correcting technical errors;
- improving structural organization;
- clarifying policy intention; and,
- streamlining wording.

CAPIC has carefully reviewed and discussed each comment in the context of the entire Update. In light of these comments, CAPIC has agreed to incorporate certain changes and thereby has resolved all outstanding issues. These changes do not alter the Plan's basic philosophy.

OFFICIAL PLAN AMENDMENT

Based on the public input and comments on the proposed Update, CAPIC has endorsed a draft Central Area Plan on September 9, 1988. Accordingly, a draft Official Plan Amendment has been prepared as the formal amending document to the City's Official Plan. The Amendment, when approved, would represent the City's official long range policy intentions for the Central Area.

In this regard, the draft Official Plan Amendment No. - Central Area Plan (see APPENDIX "A") will incorporate the following changes to the City's Official Plan:

- Schedule "A" - Land Use Concept is amended to reflect the land uses in the Central Area Plan, including the two new uses: "Downtown Core" and "Mixed Use";
- Schedule "B" - Special Policy Area is amended to expand the boundaries of Special Policy Area "3";
- Subsection A.2.8 - Central Policy Area is replaced with "Mixed Use" to provide policy direction for the "Mixed Use" designation on Schedule "A";
- Subsection A.2.9 - Downtown Core is introduced to provide policy direction for the "Downtown Core" designation on Schedule "A";
- Subsection A.4 - Central Area Plan is introduced to recognize the special status of the Central Area;
- Additional policies are incorporated to permit institutional, community service, recreational, cultural and tourism uses throughout the Central Area;

- Other policies are incorporated to encourage the development of the west harbour for major waterfront recreation uses while recognizing the Hamilton Harbour Commissioners' jurisdiction with respect to shipping and navigation; and,
- Specific policies are introduced regarding movement, urban design compatibility of uses to guide the future development of the Central Area.

Accordingly, prior to adopting the draft Official Plan Amendment No. - Central Area Plan, a public meeting must be held in accordance with the provisions of the Planning Act.

PUBLIC MEETING AND NOTICE

The public meeting has been scheduled on September 28, 1988. In this regard, a notice was published on September 10, 1988 in the Hamilton Spectator inviting the public to the meeting to make representations regarding the draft Amendment. The notice also stated that the draft Amendment will be available for review at the Planning and Development Department. At the time of writing this report, two inquiries were received on the draft Amendment. These inquiries were general in nature and did not pertain to any specific area or property.

COMMENTS

CAPIC members should be congratulated for dedicating many hours to community service and on their creativity in addressing issues and achieving consensus.

The Planning and Development Department has worked with CAPIC and supports the Central Area Plan.

CONCLUSION

Once the formal public meeting has been held, the draft Official Plan Amendment No. - Central Area Plan should be adopted. Once adopted, the Amendment must be forwarded to the Hamilton-Wentworth Council for final approval.

HY:CS
Attach.

0330P

CITY OF HAMILTON

OFFICIAL PLAN AMENDMENT NO. ____ - CENTRAL AREA PLAN

Prepared by the
Hamilton-Wentworth Planning & Development Department
in conjunction with
the Central Area Plan Implementation Committee

September 1988

DRAFT OFFICIAL PLAN AMENDMENT

CENTRAL AREA PLAN

PURPOSE

The purpose of this Amendment is to incorporate the updated Central Area Plan into the Hamilton Official Plan.

LOCATION

The Central Area is that portion of the City bounded by the Harbour, Queen St., the Escarpment and Victoria Ave. and includes Durand, Corktown, Central, Beasley, North End East and West Neighbourhoods and portions of the Landsdale and Stinson Neighbourhoods west of Victoria Ave.

BASIS

The Central Area Plan is a revision of the original Plan approved by City Council in January, 1981. It is based on recommendations of the Central Area Plan Implementation Committee (CAPIC), an advisory group of businessmen, residents and other special interests reporting to the City's Planning and Development Committee. The original plan was re-examined in light of the time which had elapsed since it was prepared and the experience in its implementing. The policies of the original Central Area Plan have been re-examined and, where appropriate, reinforced and new policies have been added.

The Central Area Plan provides a land use guide for the Central Area of the City from the present into the next century. It stresses the importance of a healthy, vibrant, well-designed, human-scale environment and the economic well-being of the Central Area. Policies are aimed at:

- building on the Central Area's existing attributes; and,
- creating an environment conducive to investment, redevelopment and growth.

NATURE OF AMENDMENT

The introduction of the Central Area Plan into the Official Plan will necessitate certain organizational changes to the Plan including:

- the introduction of two new land use designations, Mixed Use and Downtown Core, on Schedule A, with corresponding policies (Sub-section A.2.8 and A.2.9) which will replace the Central Policy Area designation and policies in Sub-section A.2.8;

- the deletion of the present policies of Special Policy Area 3 (which encompasses most of the Central area) and replacing them with new policies recognizing certain provisions of the updated Central Area Plan;
- the deletion of the present policies of Special Policy Area 5 (encompassing a portion of the west Harbour) and replacing them with the policies of the Central Area Plan pertaining to this area;
- the introduction of a new Sub-section (A.4 Central Area Plan) in Section "A" which will incorporate the entire Central Area Plan into the Official Plan;
- the revision of a number of existing policies which recognize the introduction of the new sub-sections as noted above and cross references necessitated by these changes; and,
- the revision of Schedules A and B to reflect the provisions of the updated Central Area Plan.

ACTUAL CHANGES

The Official Plan is to be amended in the following manner:

A) The following change be made to Sub-section A.2.1 - Residential Uses:

- Delete Policy 2.1.2 and replace with the following:

"2.1.2 Lands designated RESIDENTIAL on Schedule 'A' within the Central Area (as defined on Schedule A-1, Subsection A.4 - Central Area Plan) will also be subject to the Neighbourhood Residential policies of Subsection A.4 - Central Area Plan, in addition to the policies of this Subsection."

B) The following changes be made to Sub-section A.2.2 - Commercial Uses:

- i) Policy 2.2.2 be revised to delete the term "Central Policy Area" and replace it with "Downtown Core", so that the policy reads as follows:

"2.2.2 Council recognizes that the COMMERCIAL structure of the City operates within a hierarchy of categories ranging from the Downtown Core (which, as defined by the Regional Official Plan, is intended to function as the "Regional Centre"), to Local Convenience Commercial Uses. Except for the Downtown Core and Sub-Regional Centres, the hierarchy is not designated on Schedule "A" to this Plan. The location and distribution of such categories will be identified through Neighbourhood Plans as set out in Subsection D.2."

ii) Policy 2.2.4 be revised to:

- a) delete the term "Central Policy Area" and replace it with "Downtown Core"; and,
- b) delete the Subsection reference in the last sentence and change it to "Subsections A.2.9 and A.4", so that the policy reads as follows:

"2.2.4 The Downtown Core will be promoted as the principal retail, business and service centre in the Region, and in the context of the overall COMMERCIAL structure of the City. Accordingly, the Downtown Core will be considered to be the preferred location for the major concentration of COMMERCIAL USES in the City and in the Region.
- Policies for the Downtown Core are detailed in Subsections A.2.9 and A.4."

iii) Policy A.2.2.9 (vi) be revised to delete the term "Central Policy Area" and replace with "Downtown Core", so that the policy reads as follows:

- "vi) Evidence that the proposal will not jeopardize the viability of the Downtown Core in order that the intent to promote this as the principal retail centre in the Region will not be undermined."

C) The following new Policy be added to Subsection A.2.3 - Industrial Uses:

"2.3.28 Land designated INDUSTRIAL on Schedule 'A' within the Central Area (as defined on Schedule A- 1, Subsection A.4 - Central Area Plan) will also be subject to the Mixed Industrial/Commercial policies of Subsection A.4 - Central Area Plan, in addition to the policies of this Subsection."

D) The following new Policy be added to Subsection A.2.4 - Open Space:

"2.4.10 Lands designated OPEN SPACE on Schedule 'A' within the Central Area (as defined on Schedule A- 1, Subsection A.4 - Central Area Plan) will also be subject to Parks and Open Space, and the Waterfront Recreation policies of Subsection A.4 - Central Area Plan, in addition to the policies of this Subsection."

E) The following new Policy be added to Subsection A.2.6 - Major Institutional Uses:

"A.2.6.6 Notwithstanding the policies set out above, MAJOR INSTITUTIONAL USES will be permitted throughout the Central Area subject to the policies of the General Uses section of Subsection A.4 - Central Area Plan".

- F) Subsection A.2.8 - Central Policy Area be deleted in its entirety and replaced with the following:

"2.8 MIXED USE

Areas designated for MIXED USE are intended to function as a mixed use area where new development and expansions of all existing uses will be permitted, provided it can be determined that it will not have an adverse impact on adjacent land uses. Uses permitted in the MIXED USE area include Light Industrial, Commercial, Residential, Institutional, Recreational and related ancillary uses to the primary permitted uses.

In the MIXED USE area, careful attention will be paid to the location of any new residential uses in relation to existing uses so that the residential component is attractive and livable.

Industrial, commercial, residential, institutional and recreational uses permitted within the MIXED USE areas:

- to permit existing uses to remain, where appropriate;
- to encourage a mix of new uses;
- to achieve rationalization of different land uses so that pockets of new development will not adversely affect existing uses; and,
- to consider each application for new development or expansion on its individual merits with a view to the long-term goals of the Central Area Plan for growth and revitalization in the Central Area and an attractive, healthy environment for residents, business and industry.

2.8.1 Within the areas designated MIXED USE on Schedule "A", commercial, industrial, residential and institutional/recreational uses will be permitted, provided they are compatible with adjacent land uses, in accordance with Policy A.4.10 of this Plan. The location of uses will be addressed in detail in Council-adopted Neighbourhood Plans.

2.8.2 The expansion of existing commercial, industrial, multiple residential, institutional and recreational uses and establishment of new uses will be encouraged in accordance with policies on compatibility in Policy 4.10 (Compatibility of Uses) of this Plan.

2.8.3 Appropriate light industrial uses will be permitted in MIXED USE areas, such as, but not limited to, food processing, warehouses, manufacturing or assembly plants, laboratories, research facilities, professional and business service establishments and communications facilities or related uses.

2.8.4 In conjunction with the Region, Council will identify measures to encourage appropriate industries to locate in the Central Area. Accordingly, a study should be undertaken to consider similar actions by other cities, special legislation, promotion techniques, possible acquisition of property and re-use of existing buildings."

- G) i) The following new Sub-section A.2.9 be added to Subsection A.2 - Land Use Concept:

"A.2.9 DOWNTOWN CORE

"The Regional Official Plan designates the Centre of Hamilton as the "Regional Centre", which encourages a variety of uses to locate in the area. As a primary economic area, intensive commercial activities are encouraged. As a centre of government and social services, the DOWNTOWN CORE will be promoted for additional institutional activities. Further, high density residential uses will be encouraged, including mixed use commercial/residential developments.

It is the intent of this Plan to provide for an attractive, vibrant, well-designed and human scale environment which will make the Central Area a desirable place to live and work, and as a result attract further growth. In order to achieve this, the Plan promotes a mix of uses in the DOWNTOWN CORE in order to foster a high level of employment opportunities, economic activity and government and social services, as well as a desirable place to live and work.

Therefore, a wide range of retail outlets is encouraged, including full-line and junior department stores, specialty, food and general merchandise stores. In addition, the Plan promotes the location of head offices and large branch offices of finance, insurance and real estate serving both Region-wide and specialized interests in the DOWNTOWN CORE. The Plan also promotes the location of district offices of Federal, Provincial and special interest agencies serving residents throughout the Region and beyond.

Areas designated as DOWNTOWN CORE are within the Central Area and are also subject to the policies of Subsection A.4 - Central Area Plan.

2.9.1 To maintain and enhance the DOWNTOWN CORE, as shown on Schedule "A", as a Regional Centre, a mix of uses will be encouraged. These uses are as follows:

- i) Commercial uses in the form of office buildings, as well as, concentrations of stores and offices in smaller individual buildings at street level;

- ii) Residential development for all levels of income, including mixed use commercial/residential buildings; and
- iii) Institutional uses, particularly government, social service and non-profit offices servicing local and surrounding residents. The location of uses will be addressed in detail in Council-adopted Neighbourhood Plans.

- 2.9.2 To strengthen the DOWNTOWN CORE as the primary commercial centre of the Region, the DOWNTOWN CORE will be promoted as the most appropriate location for new office buildings, retail establishments and other concentrated commercial uses which will create employment opportunities, particularly for those who live in the area, and attract people to the area.
- 2.9.3 Council will encourage the following Commercial uses to locate in the DOWNTOWN CORE:
 - i) department stores and other large retail outlets; and,
 - ii) head and branch offices of finance, insurance, real estate, other service and industrial firms.
- 2.9.4 To enhance existing commercial areas in the DOWNTOWN CORE and provide alternative focal points to Jackson Square, existing commercial development along James Street, Hess Village, and the area east of James Street will be reinforced and intensified, by encouraging new anchors and attraction nodes, recognizing their special attributes and characteristics.
- 2.9.5 The consolidation of existing commercial development in the DOWNTOWN CORE will be encouraged through infilling, intensification and rehabilitaiton.
- 2.9.6 Mixed office/retail and residential buildings will be encouraged, where feasible.
- 2.9.7 Residential development will be actively encouraged through actions taken by Council which may include special incentives, and land acquisition programs as may be determined by special studies.
- 2.9.8 Conversion of non-residential buildings to residential uses will be encouraged, particularly where commercial space is underutilized, which may include upper floors of retail space.

- 2.9.9 Council will encourage federal and provincial governments, and public agencies to locate district offices in the DOWNTOWN CORE in order to strengthen and enhance the role of the DOWNTOWN CORE as a government centre.
 - 2.9.10 Council will encourage the location and expansion of non-profit organizations in the DOWNTOWN CORE to better service the City and Region.
 - 2.9.11 Open space will be provided in the DOWNTOWN CORE to contribute to the general amenity and leisure opportunities in the area.
 - 2.9.12 Council will encourage the establishment of an eastern anchor on King Street East to link activities at the centre of the DOWNTOWN CORE with Wellington Street. An eastern anchor may consist of, but will not be limited to, a major retail complex, office development, mixed use building and/or recreation centre. "
- ii) Existing Sub-section A.2.9 - "Special Policy Areas" to be renumbered to A.2.10.
- H) Delete existing Policy A.2.9.3.1, to be renumbered A.2.10.3.1 by this amendment, in its entirety and replace with the following:
- "2.10.3.1 In keeping with the provisions of policies A.4.7 (General Uses), A.4.8 (Movement), A.4.9 (Urban Design) and A.4.10 (Compatibility of Uses) of Subsection A.4 Central Area Plan, certain uses and provisions will apply throughout the CENTRAL AREA as shown on Schedule "B" as Special Policy Area 3."
- I) Delete existing Policy A.2.9.3.3 (to be renumbered A.2.10.3.3 by this amendment) in its entirety and replace with the following:
- "2.10.3.3 The following policies will apply with the area shown on Schedule "B" as SPECIAL POLICY AREA 5:
- Certain areas in the North End East and West Neighbourhoods bordering Hamilton Harbour are intended to be used primarily for park and open space, limited commercial and other viable uses.

This area will balance the commercial development of the Downtown Core with recreation oriented development. Uses, including selected commercial, should be developed to enhance the recreation function of the area and should be carefully integrated to allow for a high quality of development. The waterfront area should be planned, designed and developed to a high standard and acknowledged as a priority project within the City and Region.

This area is of prime importance to the fulfillment of the intentions of this Plan. It will serve as an attraction for local residents and tourists. As such, the area will be enhanced as an attractive place to view from land and water, as well as a pleasant place for canoeing, sailing and recreational pursuits. This is further provided for in Policy 4.7 of this Plan.

Although a portion of this area is currently used by the Hamilton Harbour Commissioners for shipping and navigation purposes, it is the intent of this Plan that the lands be used for water-oriented recreational and commercial uses, open space, as if, and when, they are no longer required by the Hamilton Harbour Commissioners for shipping and navigation.

Development in this area will be subject to the following policies:

- i) In addition to the permitted uses for Open Space set out in Subsection A.2.4, primary permitted uses in Special Policy Area 5 will be for park and open space purposes. Limited commercial and ancillary uses which are compatible will also be permitted, so that the area evolves as an attraction and showpiece for the City and Region.
- ii) As a prime recreational area in the City and Region, park and recreational development of the waterfront will be given high priority.
- iii) The design of facilities in the waterfront area will take maximum advantage of the setting in order to benefit the residents of the City. In this regard, height of buildings and facilities will ensure that the views and vista from/of the shoreline are protected and enhanced.
- iv) Future land uses and activities in the waterfront area will be determined through consideration of the appropriate planning documents, such as the Waterfront Master Plan and approved Neighbourhood Plans.
- v) The waterfront area should be accessible from all areas of the City, particularly through strong, readily identifiable pedestrian and vehicular links to the Downtown Core.

- vi) Pedestrian links between the waterfront area and the downtown will be planned, designed and developed as a priority to maximize the mutual advantages of each area to the other.
 - vii) The waterfront area will be linked to areas to the west by means of pedestrian and bicycle paths.
 - viii) The provision of efficient, safe, easily identified access to the waterfront area and the actual shoreline from east, west and south will be a priority.
 - ix) Waterfront access will be designed to minimize adverse impacts on the existing residential area.
 - x) The waterfront will be visually accessible from as much of the surrounding area as possible.
 - xi) All development proposals will require the submission of a Site Plan which will indicate the height, bulk and shape of structures, and Open Spaces on-site; the alignment of vehicular and pedestrian pathway circulation systems; and any landscaping treatment that may be required to enhance the general appearance of the development;
 - xii) Council will regulate building heights within this AREA as may be necessary to protect existing views of Hamilton Harbour from adjacent residential properties; and,
 - xiii) It is recognized that certain portions of this Special Policy Area are used for shipping and navigation purposes by the Hamilton Harbour Commissioners. As, if and when these lands are no longer required for shipping and navigation purposes by the Hamilton Harbour Commissioners, they should be developed in accordance with the policies of this Plan.
- J) The following new Subsection A.4 be added to Section "A" - Land Use and Management Strategy.

Location

The Central Area is that portion of the City bounded by the Bay, Queen Street, the top of the Escarpment, and Victoria Avenue. It includes Durand, Corktown, Central, Beasley, North End East and West Neighbourhoods and portions of Landsdale and Stinson west of Victoria Ave. (Map 3)

Purpose of the Plan

The purpose of this Plan is to provide a guide for the development of the Central Area of the City of Hamilton from the present into the next century.

The Central Area Plan has been prepared in response to the need for a strong statement on the appropriate future direction for the Central Area of Hamilton. The Plan provides objectives and policies which reflect the Central Area's role as the Regional Centre, providing commercial, institutional, cultural and governmental services.

The Plan stresses the importance of a healthy, vibrant, well-designed, human-scale environment to the economic well-being of the Central Area. Policies are aimed at building on the Central Area's existing attributes, creating an environment conducive to investment, regeneration and growth, and maximizing the benefits of co-ordinated long-range planning and implementation in the Central Area.

This Plan is a revision of the original Central Area Plan approved by City Council in January 1981. It is based on recommendations by the Central Area Plan Implementation Committee (CAPIC), an advisory group of business, labour, neighbourhood and other community representatives reporting to the City of Hamilton Planning and Development Committee.

The original Central Area Plan has been re-examined and the principles re-affirmed given the time which has elapsed since it was prepared and the experience in implementing it. The original goals and policies of the Central Area Plan are re-emphasized and in some cases updated.

The document suggests the best ways to capitalize on the assets of the most important area of the City and Region. Policies are established to protect and enhance public and private investment in the Central Area. The Plan attempts to balance commerce, livability and social improvements.

The Plan provides the terms of reference for public works and private initiatives in the Central Area and functions as a standard against which the City can evaluate the appropriateness of such initiatives in relation to the long-term growth and management strategies.

It also links the broad policies of the Regional Municipality of Hamilton-Wentworth Official Plan, and the specific, detailed policies of the Neighbourhood Plans and other studies as they relate to the Central Area.

Nature of the Plan

In essence, the NATURE of the Central Area Plan is as follows:

- o the Plan continues the philosophy outlined in the original Central Area Plan (1961) for the development of the Central Area;
- o the Plan is organized under the main headings of Land Use, General Uses, Movement, Urban Design, Compatibility of Uses and Implementation. A preamble and policies are listed under each heading;
- o policies in the Plan will be used to guide Council in making decisions which affect the Central Area;
- o adoption of the Plan will set the stage for further investigation of ways to achieve the desired goals;
- o implementation of the policies contained in the Plan will be co-ordinated and consistent with other Central Area initiatives. Co-ordination of priorities for implementation is vital. Studies and actions which are necessary to implement the Plan and have been approved by Council will be carried out;
- o public participation will be provided for through the implementation and review of this Plan; and,
- o the Central Area Plan will be approved by City Council and the Region of Hamilton-Wentworth in the form of an Official Plan Amendment. Any Amendment to the Central Area Plan will be by Council resolution and through amendment to the relevant portions of the Official Plan.

GOALS OF THE PLAN

The goals of the Central Area Plan are to:

- o provide an attractive lively, human scale environment with appropriate physical social and human infrastructure;
- o give greater priority to the Central Area in terms of planning, development, implementation, monitoring and promotion;
- o maintain and increase the resident population, commercial services, social and government services, as well as the quality of life in general;
- o direct new multi-purpose developments into the downtown core with special emphasis on residential components;
- o minimize the impact of through-traffic on the downtown core and residential neighbourhoods;
- o encourage mixed-use development;

- o encourage effective urban design, architectural considerations, and energy conservation in land use and building location, content, and style through appropriate urban design guidelines;
- o encourage suitable waterfront development with appropriate links to the downtown;
- o enhance the Central Area's role in the Hamilton-Wentworth Region and the surrounding Market Area particularly regarding commercial development; and,
- o direct attention to the primary objectives of growth, job creation and a healthy economy; and,
- o ensure the highest environmental standards which are fundamental to effective urban planning.

BASIS OF THE PLAN AND ASSUMPTIONS

The original Central Area (1981) Plan adopted what it described as a "new philosophy" for the City of Hamilton's Central Area. It stated:

"An attractive, lively, human-scale environment with the physical, social, and human infrastructure in place will both improve the downtown quality of life, draw people to the area, and thus, encourage the private sector to expand the residential, commercial, and industrial sectors. At the same time, the Plan attempts to make the downtown more efficient by recommending the appropriate balance among the various elements comprising the development pattern. It is this approach, concentrating on desired development, the environment, the services, and their inter-relationships, which makes this Plan so important for the future of the Central Area of Hamilton."

The Regional Centre

The Regional Official Plan states specific objectives for Central Hamilton as follows:

- 2.2.1 "It shall be the policy of Regional Council:
 - 2.2.1.1 To designate central Hamilton as the Regional Centre.
 - 2.2.1.2 To require that the City of Hamilton, in its Official Plan, recognize the Regional Centre as a multi-use area including the following activities:
 - (a) Retail

- (b) Offices
- (c) Compatible manufacturing
- (d) Residential
- (e) Social, community and health services

2.2.1.3 To require that the City of Hamilton, in its Official Plan, permit and encourage sufficient office and retail space in downtown Hamilton. Downtown Hamilton shall be developed in a fashion consistent with the characteristics of a Regional Centre and shall include:

- (a) Provision of a wide range of retail outlets including major and junior department stores, specialty, food and general merchandise stores.
- (b) Provision of a wide range of office functions including head and branch offices of companies and offices of Provincial, Federal and Regional Governments.

2.2.1.4 To require that the City of Hamilton, in its Official Plan, establish a program to enhance the environment in the Regional Centre through urban design policies, retention of buildings of significant architectural or historic merit and the improvement of pedestrian and vehicular access and flows.

2.2.1.5 To support the City of Hamilton in its program of enhancement of the Regional Centre through the provision of appropriate Regional facilities and services.

2.2.1.6 To promote the location of a multi-mode (trains, buses) transportation terminal in the Regional Centre if feasible."

Similarly, the City of Hamilton Official Plan incorporates special policies which meet the directive of the Regional Official Plan. Accordingly, the Plan emphasizes the unique nature of the Central Area and provides policy guidance to enhance its multi-use function.

Facilities and services have developed in the Central Area of a sufficiently high order of quality that it attracts people from beyond the City and Regional boundaries. As a government centre, the Central Area contains a number of Federal and Provincial district offices and agencies that serve other areas within Hamilton-Wentworth, Niagara, Haldimand-Norfolk, Halton and Waterloo Regions, as well as Brant and Oxford counties. In addition, many non-profit agencies located in the Central Area provide services for those living outside the City.

As a cultural centre, the Central Area attracts people to such places as the Art Gallery, Central Library, Hamilton Place and Copps Coliseum from throughout the Golden Horseshoe and beyond.

Further, shopping facilities in the downtown, including Jackson Square, Hess Village and the Farmer's Market provide a major attraction to the City.

People visiting the Central Area for a variety of reasons provide economic benefits to the entire Region. Therefore, policies in this Plan aim to maintain and strengthen the economic and social viability of the Central Area. The policies of this Plan will assist in implementing the Regional Economic Strategy with many higher order services (i.e., commercial, cultural and entertainment centre) to attract people into the Central Area.

Central Area Trends

The nucleus of new development in the Central Area has been provided through the Civic Square Redevelopment Project encompassing both commercial and institutional uses. Hamilton Place, the Library, the Farmers Market, the Art Gallery, Copps Coliseum, and the Convention Centre provide cultural, educational, entertainment, sports, and tourist magnets, offering valued services and attractions and which will enhance Hamilton's image. Their concentration in the core area emphasizes that the downtown is the heart of the City and Region.

In recognition of the necessity for a vibrant, growing, downtown core, the Downtown Action Plan was prepared in 1982. The Downtown Action Plan implements the philosophy first enunciated in the Central Area Plan (1981) that investment and people will be attracted to the Central Area by the creation of a more visually appealing, attractive, and comfortable environment.

The Downtown Action Plan addresses streetscaping, marketing, and traffic needs. It has resulted in the redesign of Gore Park as a people place, the creation of a bus mall on the south leg of King Street at Gore Park, and ongoing streetscaping improvements to King Street and surrounding area. The Plan recognizes the need and importance of establishing downtown BIA's. In total, over \$10 million in public money will be spent as a result of the Downtown Action Plan.

Recently, new interest in residential development is occurring. The original Central Area Plan promoted the addition of residential uses to the core area to stimulate the commercial, institutional and other uses and to increase activity and interaction in the downtown area during non-working hours.

Since much of this residential development has been higher cost condominiums, there is a need for additional affordable housing both owner occupied and rental in the Central Area. This may best be provided by Non-Profit and Co-operative Housing groups. It is the aim of the Central Area Plan to provide for a mix of housing types and tenures for a variety of household incomes in the Central Area. Mixed income family housing in the Central Area is essential in providing for a vibrant and active downtown.

In addition, the idea first enunciated in the Central Area Plan for a recreation centre on King East in the vicinity of Ferguson and Wellington as an alternative and eastern anchor to Jackson Square is still alive. This shows the renewed interest in the King East area for non-commercial activities such as housing and recreation.

A NEW APPROACH

This Plan recommends a creative approach to planning the downtown core and surrounding area, in an effort to encourage development that incorporates mixed land use, the human scale, good urban design principles and a positive contribution to the urban fabric.

This Plan takes the approach that indirect inducements and incentives to private investors and consumers (and the resulting decisions, investments and consumption patterns) are often more powerful than providing direct government services.

New development should capitalize on the supply of many underutilized sites, as well as the stock of existing buildings, the potential for a stronger service centre, and the creative instincts of the people. The Central Area is the strategic and vital element in the City and Region which can offer and help create a fresh image and opportunities for investment. As such, the Central Area should continue to receive high priority from all levels of Government. Priority should also be given to encourage residential development and/or redevelopment to strengthen the residential function of the Central Area and alleviate the overall housing crisis in the City.

POLICIES

4.1 DOWNTOWN CORE

The Regional Official Plan designates the centre of Hamilton as the "Regional Centre", which encourages a variety of uses to locate in the area. As a primary economic area, intensive commercial activities are encouraged. As a centre of government and social services, the Downtown Core will be promoted for additional institutional activities. Further, high density residential uses will be encouraged, including mixed use commercial/residential developments.

It is the intent of this Plan to provide for an attractive, vibrant, well-designed and human scale environment which will make the Central Area a desirable place to live and work, and as a result attract further growth. In order to achieve this, the Plan promotes a mix of uses in the Downtown Core in order to foster a high level of employment opportunities, economic activity and government and social services, as well as a desirable place to live and work.

Therefore, a wide range of retail outlets is encouraged, including full-line and junior department stores, specialty, food and general merchandise stores. In addition, the Plan promotes the location of head offices and large branch offices of finance, insurance and real estate serving both Region-wide and specialized interests in the Downtown Core. The Plan also promotes the location of district offices of Federal, Provincial and special interest agencies serving residents throughout the Region and beyond.

Permitted Uses 4.1.1 To maintain and enhance the Downtown Core, as shown on Schedule A-1, as a Regional Centre, a mix of uses will be encouraged. These uses are as follows:

- i) Commercial uses in the form of office buildings, as well as, concentrations of stores and offices in smaller individual buildings at street level;
- ii) Residential development for all levels of income, including mixed use commercial/residential buildings; and
- iii) Institutional uses, particularly government, social service and non-profit offices servicing local and surrounding residents. The location of uses will be addressed in detail in Council adopted Neighbourhood Plans.

Commercial 4.1.2 To strengthen the Downtown Core as the primary
Uses commercial centre of the Region, the Downtown Core will be promoted as the most appropriate location for new office buildings, retail establishments and other concentrated commercial uses which will create employment opportunities, particularly for those who live in the area, and attract people to the area.

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| Commercial
Uses | 4.1.3 | Council will encourage the following Commercial uses to locate in the Downtown Core: <ul style="list-style-type: none">i) department stores and other large retail outlets;ii) head and branch offices of finance, insurance, real estate, other service and industrial firms. |
| Commercial
Areas | 4.1.4. | To enhance existing commercial areas in the Downtown Core and provide alternative focal points to Jackson Square, existing commercial development along James Street, Hess Village, and the area east of James Street will be reinforced and intensified, by encouraging new anchors and attraction nodes, recognizing their special attributes and characteristics. |
| | 4.1.5. | The consolidation of existing commercial development in the Downtown Core will be encouraged through infilling, intensification and rehabilitation. |
| Mixed Uses | 4.1.6. | Mixed office/retail and residential buildings will be encouraged, where feasible. |
| Residential
Uses | 4.1.7 | Residential development will be actively encouraged through actions taken by Council which may include special incentives, and land acquisition programs as may be determined by special studies. |
| | 4.1.8 | Conversion of non-residential buildings to residential uses will be encouraged, particularly where commercial space is underutilized, which may include upper floors of retail space. |
| Government | 4.1.9 | Council will encourage federal and provincial governments and public agencies to locate district offices in the Downtown Core in order to strengthen and enhance the role of the Downtown Core as a government centre. |
| Non-Profit
Organizations | 4.1.10 | Council will encourage the location and expansion of non-profit organizations in the Downtown Core to better service the City and Region. |
| Open Space | 4.1.11 | Open space will be provided in the Downtown Core to contribute to the general amenity and leisure opportunities in the area. |

Eastern Anchor 4.1.12 Council will encourage the establishment of an eastern anchor on King Street East to link activities at the centre of the Downtown Core with Wellington Street. An eastern anchor may consist of, but will not be limited to a major retail complex, office development, mixed use building and/or recreation centre.

4.2 MIXED USE

Areas designated for Mixed Use are intended to function as a mixed use area where new development and expansions of all existing uses will be permitted, provided it can be determined that it will not have an adverse impact on adjacent land uses. Uses permitted in the Mixed Use area include Light Industrial, Commercial, Residential, Institutional, Recreational and related ancillary uses to the primary permitted uses.

In the Mixed Use area, careful attention will be paid to the location of any new residential uses in relation to existing uses so that the residential component is attractive and livable.

Industrial, commercial, residential, institutional and recreational uses will be permitted within the Mixed Use areas:

- o to permit existing uses to remain, where appropriate;
- o to encourage a mix of new uses;
- o to achieve rationalization of different land uses so that pockets of new development will not adversely affect existing uses;
- o to consider each application for new development or expansion on its individual merits with a view to the long-term goals of the Central Area Plan for growth and revitalization in the Central Area and an attractive, healthy environment for residents, business and industry.

Permitted
Uses

4.2.1 Policies

Within the areas designated Mixed Use on Schedule A-1, commercial, industrial, residential and institutional/recreational uses will be permitted, provided they are compatible with adjacent land uses in accordance with Subsection 4.10 of this Plan. The location of uses will be addressed in detail in Council adopted Neighbourhood Plans.

Compatibility
of Uses

4.2.2 The expansion of existing commercial, industrial, multiple residential, institutional and recreational uses and establishment of new uses will be encouraged in accordance with policies relating to the compatibility in Sub-section 4.10 of this Plan.

- Industry 4.2.3 Appropriate light industrial uses will be permitted in Mixed Use areas, such as, but not limited to, food processing, warehouses, manufacturing or assembly plants, laboratories, research facilities, professional and business service establishments and communications facilities or related uses.
- Incentives 4.2.4 In conjunction with the Region, Council will identify measures to encourage appropriate industries to locate in the Central Area. Accordingly, a study should be undertaken to consider similar actions by other cities, special legislation, promotion techniques, possible acquisition of property and re-use of existing buildings.

4.3 MIXED INDUSTRIAL/COMMERCIAL

In Mixed Industrial/Commercial areas, a variety of uses, except residential is permitted. Industries unsuitable for the Mixed Use areas may be more suitably accommodated in the Mixed Industrial/Commercial designation.

It is intended that existing development in Mixed Industrial/Commercial Areas remain where viable. In addition, new development should be compatible with surrounding uses and be considered with a view to the long-term goals of the Central Area Plan.

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| Permitted
Uses | 4.3.1 | Within the areas designated Mixed Industrial/Commercial on Schedule A-1, uses permitted will be any of commercial, industrial, institutional and recreational, provided they will not have a negative impact on adjacent land uses, and be in keeping with the provisions of Subsection A.2.3. The location of uses will be addressed in detail in Council adopted Neighbourhood Plans. |
| Additional | 4.3.2 | Notwithstanding Policy 4.3.1 above, the uses identified in Policy 4.2.3 will be permitted in Mixed Industrial/Commercial areas. |
| Waterfront
Lands | 4.3.3 | Lands within this designation and identified as Shipping and Navigation on Schedule A-1, should be primarily used for these purposes. However, when Shipping and Navigational use is no longer viable for these lands, they should be developed for Mixed Industrial/Commercial use. |

4.4 NEIGHBOURHOOD RESIDENTIAL

The areas designated for Neighbourhood Residential are lands where the predominant use is and will continue to be housing. These existing residential neighbourhoods should be preserved and strengthened and only uses compatible with housing will be encouraged to remain or locate within these areas. Commercial, institutional and recreational uses of a scale and type which is appropriate to the needs of the Neighbourhood are encouraged. Conversions of residential buildings to limited commercial uses will be permitted as long as the residential character of the area is preserved.

A strong residential component close to the downtown is essential to:

- o maintain and enhance the downtown's economic and service functions;
- o reduce dependency on commuting and transportation facilities; and,
- o provide a market for the downtown's concentration of government, retail, institutional and service facilities.

Permitted
Uses

4.4.1 The areas designated Neighbourhood Residential on Schedule A-1 will be preserved as prime residential locations in accordance with Subsection A.2.1 where residential development will be enhanced and protected through:

- i) provision of community services;
- ii) zoning protection;
- iii) mitigation of traffic impacts;
- iv) separation and buffering of incompatible use; and,
- v) other appropriate measures.

4.4.2 Local Commercial uses will be permitted at a scale and type compatible with the residential uses. The location of uses will be addressed in detail in Council adopted Neighbourhood Plans.

Commercial

4.4.3 Notwithstanding the provisions of Subsection A.2.2, limited conversion of residential structures to commercial use will be permitted, to allow for the preservation of residential attributes and the streetscape of an area. Commercial uses should be limited to professional offices such as, but not limited to, doctors, accountants and lawyers in the existing buildings only. Commercial conversions should be evaluated on the following general basis:

- i) the residential character of the surrounding area should be maintained;

- ii) the conversion should have minimal impact on the surrounding area particularly in terms of traffic and parking;
- iii) the proposal should be located near other commercial, mixed use or high activity areas (e.g. arterial roads);
- iv) the building should maintain a residential component; and,
- v) the proposal should not have any significant adverse effect on the supply of affordable housing in the area.

Variety of Housing	4.4.4	Within areas designated Neighbourhood Residential, a variety of housing types and tenures for all levels of income will be encouraged. Special emphasis will be given to suitable accommodation for families, the disabled, seniors and others in need.
Social Housing	4.4.5	Social housing which is well-designed, contains appropriate amenities for its tenants, takes advantage of services and facilities existing in the area and is integrated into the community will be encouraged.
Traffic	4.4.6	In order to minimize disturbance and enhance the residential amenity within residential areas, through-traffic will, wherever feasible, be encouraged only along major roads.
Rehabilitation	4.4.7	The rehabilitation of older or deteriorating housing will be encouraged whenever possible and desirable.
Preservation	4.4.8	Demolition control legislation will be used as a means to preserve viable dwelling units.
Infilling	4.4.9	Redevelopment in the form of rehabilitation and infilling of a scale and design which is compatible with existing development will be encouraged.
Low-rise, Medium-Density Development	4.4.10	Innovative low-rise, medium-density developments which are energy-efficient, respect existing views and vistas of the Bay and the Escarpment and are of a high architectural standard will be promoted and encouraged. In this way, the scenic features of the Escarpment and the Bay will be preserved and protected.

Park/
Residential
Development

4.4.11 Special areas will be set aside for integrated park and residential development designed to preserve and revive existing older neighbourhoods. These areas will be identified in neighbourhood plans.

Community
Facilities

4.4.12 The existing infrastructure of community facilities and services, such as schools, hospitals, day-care facilities, drop-in centres, neighbourhood stores, parks, etc., will be maintained and augmented.

4.5 PARKS AND OPEN SPACE

The areas designated Parks and Open Space are lands to be used for Recreation and ancillary uses. Parks and open space are a vital part of the Central Area's attraction as a people place. Areas designated Parks and Open Space serve to support and balance the other uses in the area, particularly residential.

At present, it is recognized that there is a great shortage of park space in the Central Area. Therefore, innovative methods of increasing the amount of park space in the Central Area should be considered.

The lands of the Escarpment and the Waterfront, two of Hamilton's best natural assets, should be properly utilized for park and recreational purposes to improve the quality of life and the City's image. The unique features of the Waterfront are dealt with in Section 4.6 (Waterfront Recreation).

Neighbourhood parks are intended to serve neighbourhood residents and should be of high quality and designed to meet the needs of the neighbourhood.

Permitted Use	4.5.1	The areas designated Parks and Open Space on Schedule A-1 are to be used for parks and open space of local and area-wide appeal in accordance with the provisions of Subsection A.2.4. The location of uses will be addressed in detail in Council adopted Neighbourhood Plans.
Park Development	4.5.2	Parks and open space in the Central Area should be planned, acquired and developed to a high standard, as well as expanded and integrated with other land uses and activities. The areas designated Parks and Open Space will receive high priority for development, improvement and expansion.
Park Categories	4.5.3	Parks and Open Space in the Central Area will be categorized by use and function as Community, Neighbourhood, City-wide and Metropolitan Parks.
Neighbourhood Plans	4.5.4	Parks and Open Space will be designated and defined in the review and preparation of Neighbourhood Plans.
Preservation of Open Space	4.5.5	Parkland will be designated to reflect the need for Parks and Open Space in the Central Area. Consideration should be given to ensure the preservation of existing Open Space.
New Parks and Open Space	4.5.6	New Open Space and Park need to be created by means of the exploration of new concepts such as the conversion of streets, indoor parks, and the use of other public space which could be designated as Parks and Open Space.

4.6 WATERFRONT RECREATION

The Plan designates certain areas in the North End East and North End West Neighbourhoods bordering the Hamilton Harbour to be used for primarily park and open space, limited commercial and other viable uses.

This area will balance the commercial development of the Downtown Core with recreation-oriented development. Uses, including selected commercial, should be developed to enhance the recreation function of the area and should be carefully integrated to allow for a high quality of development. The waterfront area should be planned, designed and developed to a high standard and acknowledged as a priority project within the City and Region.

This area is of prime importance to the fulfillment of the intentions of this Plan. It will serve as an attraction for local residents and tourists. As such, areas designated Waterfront Recreation will be enhanced as attractive places to view from land and water, as well as a pleasant place for canoeing, sailing and recreational pursuits. This is further provided for in Section 4.7 of the Plan.

Although a portion of this area is currently designated by the Hamilton Harbour Commissioners for Shipping and Navigation purposes, it is the intent of this Plan that the lands be used for Waterfront Recreation and open spaces if and when they are no longer required for Shipping and Navigation.

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| Permitted
Uses | 4.6.1 | The areas designated Waterfront Recreation on Schedule A-1 will be used primarily for park and open space purposes in accordance with Subsection A.2.4. Limited commercial and ancillary uses which are compatible will also be permitted so that the area evolves as an attraction and showpiece for the City and Region. |
| Waterfront
Development | 4.6.2 | As a prime recreational area in the City and Region, park and recreational development of the waterfront will be given high priority. |
| Design | 4.6.3 | The design of facilities in the waterfront area will take maximum advantage of the setting in order to benefit the residents of the City. In this regard, height of buildings will ensure that the views and vistas from/of the shoreline are protected and enhanced. |
| Future
Uses | 4.6.4 | Future land uses and activities in the waterfront area will be determined through consideration of the appropriate planning documents, such as the Waterfront Master Plan and approved Neighbourhood Plans. |

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| Access to Waterfront | 4.6.5 | The waterfront area should be accessible from all areas of the City, particularly through strong, readily identifiable pedestrian and vehicular links to the Downtown Core. |
| Links | 4.6.6 | Pedestrian links between the waterfront area and the downtown will be planned, designed and developed as a priority to maximize the mutual advantages of each area to the other. |
| | 4.6.7 | The waterfront area will be linked to areas to the west by means of pedestrian and bicycle paths. |
| Waterfront Access | 4.6.8 | The provision of efficient, safe, easily identified access to the waterfront area and the actual shoreline from east, west and south will be a priority. |
| | 4.6.9 | Waterfront access will be designed to minimize adverse impacts on the existing residential area. |
| Visual Access | 4.6.10 | The waterfront area will be visually accessible from as much of the surrounding area as possible. |
| Shipping and Navigation | 4.6.11 | Waterfront Recreation uses identified as Shipping and Navigation on Schedule A-1 should be primarily used for these purposes. However, if and when Shipping and Navigation uses are no longer required by the Hamilton Harbour Commissioners, these lands should be developed in accordance with the above policies. |

4.7 GENERAL USES

Notwithstanding the provisions of subsection A.2.4 and A.2.6 certain general uses such as recreational and institutional uses will be permitted in the Central Area.

It is the intent that the Central Area should provide a concentration of cultural, entertainment and recreational activities which improve the quality of life for local residents, as well as attract residents from outside the City.

4.7.1 Institutional Uses

Existing institutional uses such as cultural facilities, health, welfare, educational religious and government activities will be enhanced and maintained in the Central Area. In addition, new institutional uses will be encouraged to locate in the Central Area, in appropriate locations.

A strong base of institutional uses in the Central Area will help provide an attractive social environment, making the Central Area a more desirable place to live and visit.

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| Institutional
Uses | 4.7.1.1 | The existing inventory of institutional uses will be maintained, promoted, linked and expanded when feasible, in order to stimulate development of other land uses and attract people to the area, particularly during non-working hours. |
| Locational
Criteria | 4.7.1.2 | New institutional uses will be encouraged to locate on sites adjacent to other institutional or commercial uses to permit the sharing of parking and other facilities. The location of the institutional uses will take into consideration provisions for off-street parking, compatibility and access for the disabled, as required in Policy A.2.6.2 of this Plan. The location of institutional uses will be addressed in detail in Council adopted Neighbourhood Plans. |
| Schools | 4.7.1.3 | The use of school sites and other appropriate institutional facilities after hours as social, recreational and community centres will be encouraged. |
| | 4.7.1.4 | Compatible uses will be encouraged within existing schools, if this will enable the school to remain open. |

4.7.1.5 Where schools have been closed, a mechanism will be established between the School Boards, the City and other appropriate bodies to determine the best future use for the sites within the regulations of the Ministry of Education pertaining to closed schools.

4.7.1.6 In order to recognize the cultural value of schools to the community, in the event of closure, alternative uses will be encouraged to allow for preservation of the existing building.

4.7.2 Community Services

Community and social services and facilities should be maintained and enhanced in the Central Area. Special consideration should be given to provide services for senior citizens, families and persons with special needs.

Social Services 4.7.2.1 Social service agencies, health and government services and recreational facilities will be encouraged to locate and expand in the Central Area, in appropriate locations. This will provide service to residents in the area and support a high level of employment.

Services for 4.7.2.2 In areas with large numbers of senior citizens, Seniors provision will be made for facilities, programs and policies to make the area more convenient and accessible, where feasible.

4.7.2.3 The location of a senior citizen centre in the Central Area is encouraged as demand and need increases.

4.7.3 Recreational Uses

Recreational facilities and services should be increased in the Central Area. In particular, the attraction of the Bay and Escarpment as recreational resources should be enhanced (see policies regarding Park and Waterfront Recreation Uses). Due to the lack of space available for recreational use, innovative means of increasing space available for recreational use should be considered.

Recreation 4.7.3.1 More recreation facilities and services Facilities should be provided in the Central Area.

Redevelopment 4.7.3.2 Where suitable, redevelopment and rehabilitation projects will incorporate recreational and leisure facilities within their structures or property.

Leisure Centre	4.7.3.3	Council will encourage the development of a multi-activity indoor recreation/leisure centre within the Central Area. The centre may include facilities such as a wave pool, multi-purpose gymnasium, indoor bowls.
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4.7.4 Cultural Activities

Cultural programs and policies should be encouraged to provide a strong cultural and artistic element within the community. In addition, cultural activities should provide attractions for residents within the Central Area and beyond.

Cultural Activities	4.7.4.1	Council will encourage the establishment and enhancement of cultural activities in the Central Area.
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Public Art	4.7.4.2	Council will encourage the provision of art in public places to enrich the environment in appropriate locations within the Central Area.
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4.7.5 Tourism/Economic Development

Tourism is becoming a major employment base in the City and Region. The shopping, distribution and entertainment services of the Central Area are major attractors of people into the Region. Tourist and convention facilities and services should be increased and enhanced in the Central Area for the benefit of existing businesses, and to create additional employment.

Tourism	4.7.5.1	Council will promote the expansion of tourism facilities and attractions in the Central Area as a means of increasing employment.
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Promotion	4.7.5.2	Tourism will be promoted in the context of developing the Region as a tourist/convention destination.
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Location	4.7.5.3	Tourist facilities and services, which would attract people to the City and Region and the downtown area will be located in the Central Area to make use of the existing Central Area attributes and infrastructure, e.g., the Bay, Escarpment, views, Civic Square, etc.
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Shopping Hours	4.7.5.4	Council will encourage the establishment of convenient shopping hours to encourage shopping activity and attract people into the Central Area.
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Quality of Life	4.7.5.5	Council will examine opportunities for improving the quality of life of residents in the Central Area as a means of attracting new residents.
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4.8 MOVEMENT

An efficient comprehensive transportation and transit system is essential to the Central Area. The system serves to integrate traffic with a desirable living and working environment.

This transportation system embraces car, bus, bicycle, rail, truck, pedestrian movement, as well as roads parking, loading and distribution points. This system should move people and goods into, out of, and within the Central Area with minimum disruption to the existing environment. In addition, the system is essential to the Central Area's role as the primary Regional employment centre and the enhancement of its business and commercial functions. In this regard, public transit plays a positive role in the development of the Central Area. The transit system will focus on the Downtown Core to increase accessibility and reduce the need for private vehicles in the area.

Key improvements include:

- o reduction of "through" truck and commuter traffic within the core, and the interior of residential areas;
- o continued development of a circumferential road system;
- o provision of a pedestrian circulation system (e.g. +15 pedestrian walkways) in appropriate locations, upgrading and widening of sidewalks to link residential development to commercial, shopping, recreational facilities;
- o continuation of the development of an efficient, co-ordinated public transit system; and,
- o resolution of environmental concerns associated with the high volume of traffic in the Central Area.

An effective transportation system must achieve a proper mix of all forms of movement. Planning should provide for an appropriate mix of pedestrians and vehicles to achieve a balance between accessibility and a healthy environment. Continued monitoring of the traffic flows and volumes will be undertaken so as to provide the basis for making necessary adjustment in the future.

Policies regarding movement apply throughout the Central Area. Further, the policies of Subsection B.3 also apply to the Area.

Efficient System	4.8.1	The operation and adjustments to the traffic system should be compatible with the safety and convenience of pedestrians, desired land uses, and other goals for the Central Area.
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Roads	4.8.2	Roads and sidewalks should be properly maintained as part of the overall enhancement of the image and environment of the Central Area.
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Through
Traffic

4.8.3 In order to alleviate traffic problems and reroute through vehicular traffic, especially truck traffic, away from the downtown area, there will be a new transportation route which would link Burlington Street West to Highway 403. In this regard, planning for such a route should reflect the overall goals for the Central Area with special consideration given to resolving any potential problems arising from its impact on adjacent residential neighbourhoods, the waterfront, the environment and on traffic flow through the Downtown Core.

4.8.4 The existing system of major roadway and truck routes should be maintained and modified as required.

Diversion of
Through-
Traffic

4.8.5 In order to minimize disturbance and enhance the residential amenity, wherever feasible, through traffic will be encouraged only along roadways identified as major roads on Schedule "F".

Road
Priorities

4.8.6 Any decision on the priority for new roads should take into account the importance of the Central Area in providing a high level of service to the whole Region, creating employment opportunities, energy efficiency, and improved environmental quality in terms of amenities and safety.

Parking

4.8.7 To preserve and promote the economic health of the downtown core as the Regional economic centre, sufficient parking spaces should be available. Parking facilities should be improved, both by the City and privately. These spaces should be conveniently located and operated in such a manner as to encourage their use for short term parking needs for shopping, entertainment and business. As such, parking should be provided in accordance with the following provisions:

- (i) parking, loading and docking facilities for new development will be encouraged. Preference should be given to multi-level parking structures provided by the proponent or in co-operation with other developers to support an increased employment and shopping population;
- (ii) on-street parking will continue to be reviewed for maximum use of the spaces and compatibility with safety, movement and environment needs;

(iii) Off-street parking lots will be encouraged in accordance with the policies of Sub-section 4.9; and

(iv) Major parking facilities should be located and arranged so as to minimize through traffic and reduce congestion. They will be encouraged to locate in the Downtown Core.

Pedestrian Movement	4.8.8	Council will encourage improvements to and expansion of the pedestrian circulation network which may consist of +15 pedestrian walkways sidewalks and communal areas in proposed development in order to enhance the attractiveness of the downtown core.
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Vehicle/ Pedestrian Interface	4.8.9	Wherever feasible, vehicular and pedestrian traffic will be separated.
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Pedestrian Access	4.8.10	Improved pedestrian access should be encouraged in the downtown core for the elderly, children and the disabled (e.g. wheelchair ramps).
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Pedestrian Links	4.8.11	In accordance with the provisions of Subsection B.3.4 of this Plan, pedestrian walkways will be encouraged to form a continuous green space corridor linking the Escarpment to the Bay. These links will provide access to parks, residential areas, the Downtown and other pedestrian destinations in the City.
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Bicycle Routes	4.8.12	The safe, convenient use of bicycles in a way that minimizes conflicts with pedestrians and vehicles will be encouraged, through the provision of bicycle routes throughout the Central Area.
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	4.8.13	A bicycle path system, similar to pedestrian links, will be encouraged to link the Escarpment and the Bay and provide access to parks, residential areas, the Downtown and other destinations in the City.
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Public Transit	4.8.14	All forms of public transit should contribute to a convenient and coordinated system of transportation within the City. Accordingly, the downtown urban transit bus mall will be improved, as required, to ensure downtown's role as the primary focal point of transit service and thereby provide access to employment, commercial and cultural activity nodes in the Area.
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- | | | |
|---------------------------------|--------|--|
| Multi-modal
Transportation | 4.8.15 | A multi-modal transportation terminal should be provided at the Canadian Pacific (formerly T H & B) station. |
| Rail
Service | 4.8.16 | Commuter (GO Train) inter-city passenger rail services linking Hamilton, and all other centres should be improved. |
| Bus
Services | 4.8.17 | The bus service between Hamilton and Toronto and Hamilton and surrounding communities within and beyond the Hamilton-Wentworth Region should be maintained and improved. |
| Transit
Links in
the City | 4.8.18 | For the convenience of users, innovative methods will continue to be encouraged in order to improve the efficiency of public transit linking the downtown core and other areas of the City and beyond. |
| Air
Service | 4.8.19 | The use of Hamilton Airport should be encouraged as a stimulant to the economic well-being of the Central Area. |

4.9 URBAN DESIGN

It is intended that the character and role of the Central Area will be enriched through urban design principles in accordance with Section C of this Plan to ensure an attractive environment for the benefit of existing and future residents, as well as strengthen the economy.

Urban design is concerned with the visual and functional interrelationship of buildings and spaces. Urban design principles address the need for preservation and enhancement of the built environment and especially of areas and buildings of historic and architectural significance while still encouraging and providing for high quality design of new development. As such, policies relating to Urban Design will apply throughout the Central Area and address:

- o the enrichment and expansion of the character of the Central Area through a high level of design standards;
- o the preservation of buildings and areas of historic and architectural significance;
- o the preservation and development of attractive and compatible streetscapes; and,
- o the provision of safety, security and energy conservation measures in new development.

4.9.1 Design of the Central Area

It is through a high quality of design that the Central Area can be made a more attractive place to live and work, as well as stimulate and attract additional high quality development.

Design Excellence	4.9.1.1	Design excellence will be required to create an attractive and cohesive environment throughout the Central Area.
Building Design	4.9.1.2	Innovative building designs and layouts will be encouraged, particularly if they involve integration of different land uses.
Views and Vistas	4.9.1.3	Council will encourage building design which preserves important vistas of the Escarpment, the Bay, and significant architectural features.
Weather Mitigation	4.9.1.4	The design and siting of new buildings will take into account how the new structure and surrounding buildings modify the effects of wind, rain, snow, sun, heat and cold. Efforts will be made to mitigate the effects of adverse weather conditions, particularly on pedestrians.

Human-Scale Design	4.9.1.5	Council will encourage building design which takes account of the human scale and human interaction through consideration of such factors as height, mass, exterior design, access and amenity.
	4.9.1.6	Council will encourage any new buildings in the vicinity of heritage buildings and areas to be compatible in terms of scale, height and proportions with development in the surrounding area.
Setbacks	4.9.1.7	Council will encourage appropriate building setbacks taking into consideration existing setbacks and development of setback areas for pedestrians.
Prominent Sites	4.9.1.8	The design of development in key locations in the Central Area should be given particular design attention, (e.g. lands adjacent to York Boulevard)
Gore Park	4.9.1.9	The area surrounding Gore Park should be given special design attention in order to maintain the sense of enclosure already present and reflect and enhance its human scale.
Links	4.9.1.10	The design of commercial, institutional and recreation nodes in the Central Area should take into consideration attractive streetscaping and pedestrian movement considering the needs of existing and future uses.
Density of Development	4.9.1.11	New development in the form of a variety of densities and heights will be encouraged. However, high-rise development will be discouraged in predominantly low-rise residential areas.
Waterfront Development	4.9.1.12	The design of waterfront development should be compatible with the natural environment and with the adjacent neighbourhood.
Site Plan Control	4.9.1.13	Site plan control will be applied throughout the Central Area for all developments, except one and two-family dwellings.

Commercial Buildings	4.9.1.14	Parking for extended commercial development will be located to the rear of the property. Extended commercial is a category of commercial use generally located along major roads with individual accesses and maximum exposure to the street in accordance with Policy A.2.2.14 of this Plan. Adequate buffering for residential uses adjacent to these parking areas will be required.
Safety, Security and Energy Efficiency	4.9.1.15	<p>The integration of safety, crime prevention and energy conservation measures will be encouraged in new development and redevelopment. Therefore, in accordance with Subsection C.2 and C.8, Council will encourage:</p> <ul style="list-style-type: none">(i) safety features for new development, as determined through special study;(ii) crime prevention design features to be incorporated into existing and new developments, such as special lighting, access and openness to public view; and,(iii) energy-efficient construction, heating, insulation, cooling and ventilation systems, layout and design and any other relevant energy-saving techniques to be incorporated in all buildings.

4.9.2 Building Preservation

In accordance with Subsection C.6 buildings and areas of historical architectural and contextual significance should be preserved and protected from demolition.

Conservation Heritage	4.9.2.1	Buildings and districts which contribute to the significance of the Central Area will be conserved and enhanced.
Heritage Buildings and Districts	4.9.2.2	Buildings and districts of architectural and historic value will be identified and ranked by LACAC and protected and enhanced through designation under the Ontario Heritage Act.
Conservation Policies	4.9.2.3	Conservation policies such as heritage district designations will be encouraged. City Council will authorize heritage district studies and other relevant studies.

	4.9.2.4	LACAC will make recommendations on maintaining and enhancing conservation policies, controls and incentives for heritage buildings and districts. Appropriate incentives may include grants, loans and tax breaks, if possible.
Special Attention	4.9.2.5	Special attention will be given to districts of architecturally and historically important buildings, by means of heritage conservation awards.
Standards	4.9.2.6	Standards and policies which conflict or appear to conflict with desirable building preservation will be reviewed and recommendations will be made for modifications in order to encourage preservation.
Zoning	4.9.2.7	The Zoning By-law may be used to encourage retention of buildings where appropriate by revising standards for conversions, and such measures as permitting additional uses in existing structures.
Other Mechanisms	4.9.2.8	Other mechanisms, such as site plan control and demolition control will be used in negotiation for securing future life for heritage buildings and districts. In addition, transfer of development rights may be used in approving specific proposals, subject to the preparation of appropriate guidelines.
	4.9.2.9	Adaptive reuse and integration of old and new buildings will be encouraged as an alternative to demolition.
Demolitions	4.9.2.10	Prior to demolition Council will consider: <ul style="list-style-type: none">i) the architectural, historical and contextual importance of the existing building; andii) the contribution of the replacement building to the surrounding built environment.
	4.9.2.11	Council will encourage efforts to preserve any valuable architectural features when demolition of a heritage building is anticipated.

4.9.3 Streetscape

The high level of quality should be provided for streetscapes in the Central Area. Attractive and compatible streetscapes should be maintained and preserved.

Streetscape Design	4.9.3.1	Throughout the Central Area, Council will establish and follow high quality standards for the streetscape through provision and coordination of appropriate paving material, street furniture, bus shelters, lighting, kiosks and booths, fountains, trees, other plant materials, and sidewalk activities provided normal pedestrian use is not impeded.
Signs	4.9.3.2	Outdoor advertising and signs will be coordinated and designed to complement the streetscape in the Central Area by means of Sign By-laws.
Facades	4.9.3.3	The integration of building facades and sidewalk areas will be encouraged to enhance and create an attractive sidewalk atmosphere.
Cleanliness	4.9.3.4	Council will ensure that the Central Area and Downtown Core, in particular, present a clean and orderly appearance.
Parking Lots	4.9.3.5	Wherever feasible, parking lots will be buffered and/or landscaped, so as not to adversely intrude upon the public view while maintaining safety standards.
Vacant Properties	4.9.3.6	Council will encourage the proper maintenance and attractive appearance of vacant properties.
Outdoor Art	4.9.3.7	Council will encourage the introduction of outdoor public art, including sculptures and murals, as elements of the streetscape.
Relocation of Railroad Tracks	4.9.3.8	Council will encourage the relocation or removal of railway tracks which do not require a Central Area location. The future of these lands will be subject to special study.

4.10 COMPATIBILITY OF USES

With the mix of uses permitted in the Central Area, efforts will be made to ensure compatibility. The policies of this section ensure that the expansion or development of new commercial, industrial, multiple-residential, institutional and recreational uses will not adversely affect existing development throughout the Central Area. Special attention will be given to the provision of buffering and screening for industrial uses.

Performance Standards 4.10.1 Expansion of existing commercial, industrial, multiple-residential and institutional/recreational uses and establishment of new such uses in the areas which permit a mix of uses will be encouraged in accordance with appropriate performance standards.

Council will apply these performance standards in the consideration of zoning and site plan applications through review by appropriate agencies such as the Ministry of the Environment. These performances standards may take into consideration factors such as, but shall not be limited to:

- (i) noise levels;
- (ii) site planning;
- (iii) acoustical barriers;
- (iv) architectutral design;
- (v) construction;
- (vi) air pollution;
- (vii) water pollution;
- (viii) effect on visible residential frontage;
- (ix) traffic generation;
- (x) parking requirments;
- (xi) external appearance, as addressed by Site Plan Control; and,
- (xii) servicing requirements.

Existing Industries 4.10.2 Existing industries which are compatible with adjacent land uses or can be made compatible through appropriate buffering or other techniques will be encouraged to remain in their location and will be so recognized in the Zoning By-law. Particular attention will be paid to the screening of outside storage facilities from surrounding uses.

New Industrial Development 4.10.3 Wherever feasible, industrial development will be sited in such a way as to provide its own buffer with adjacent land uses through the form and placement of buildings and built-in design features.

Pollution Controls 4.10.4 The appropriate authorities will be encouraged to continue and augment their programs to reduce air, noise and water pollution.

Environment

- 4.10.5 Council will continue to examine, encourage and implement policies and regulations to improve the physical environment for those who live and work in the Central Area.

4.11 IMPLEMENTATION

Strong public participation will be an essential component in implementing the policies in this Plan. Public participation is the ongoing involvement of residents and business people in the decisions which affect their lifestyle, quality of life, property values, health of their businesses and enjoyment of their surroundings. Public participation is a recognized as citizens' rights and is an important part of the planning process.

The implementation of this plan should provide for the following public participation principles and be in accordance with the provisions of Section D.9:

- (i) information will be disseminated to the public in a clear, concise manner designed to achieve a broad understanding of the policies and programs and their impacts;
- (ii) the City will actively seek opinions, attitudes and advice of individuals, community and special interest groups regarding policies, programs and studies, as well as contemplated or impending changes to existing policies and programs; and,
- (iii) reporting mechanisms will be in place which will provide Council with complete and unbiased results of this consultation.

Regular review and updating of recommended policies and actions is critical to the success of this Plan. Monitoring should be detailed and systematic and cover all aspects of an area or issue. Statistical data should be complemented by subjective data provided by those involved in, or affected by, policies and resulting actions.

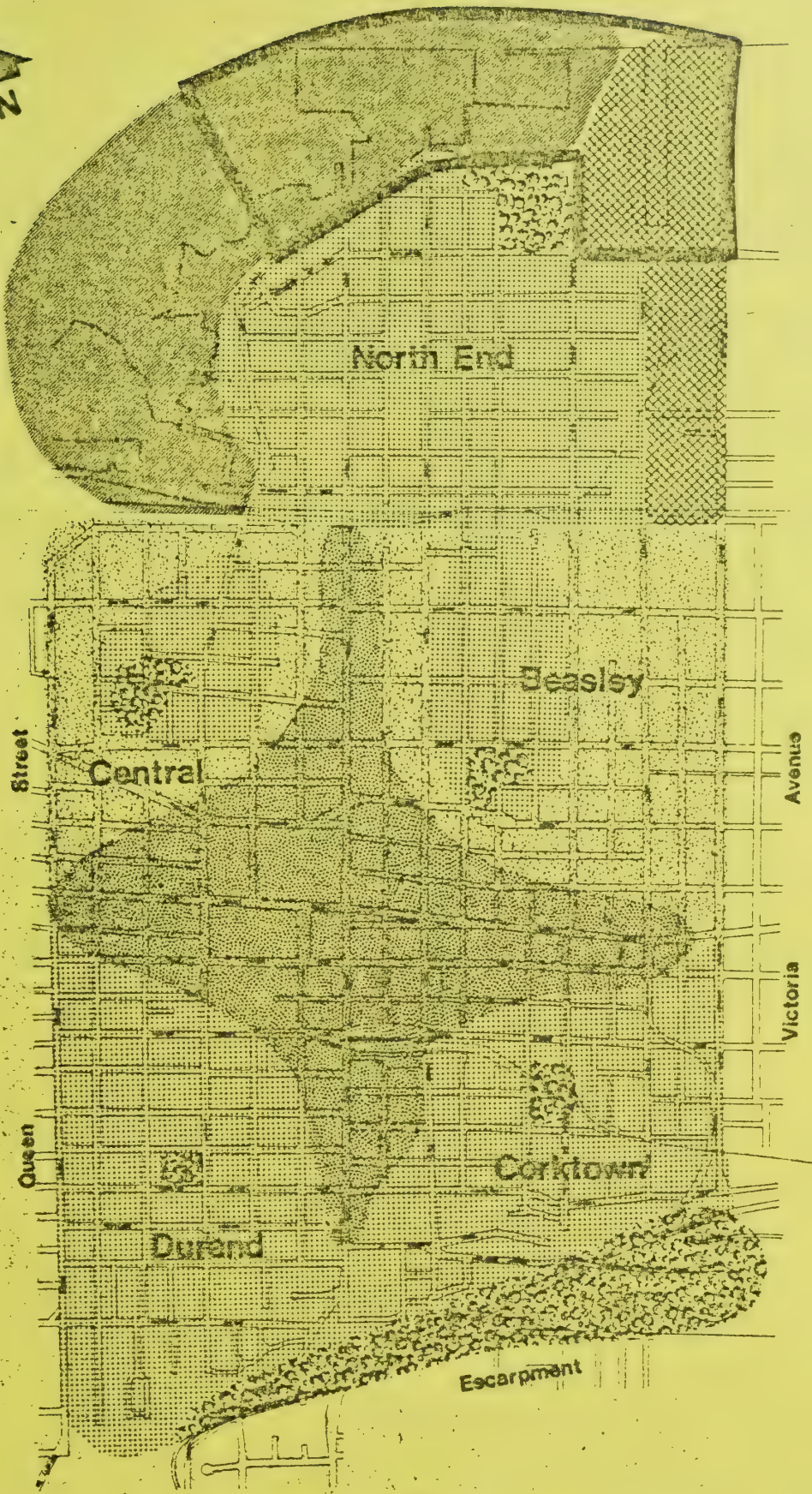
It is critical that a Central Area Plan Implementation Committee is involved in the monitoring/updating process on an ongoing basis and in the review of studies and evaluation of study recommendations.

The Central Area has been identified as the commercial, institutional, government and cultural centre of the Region. In addition, the area has a large concentration of people and is a major base of employment. Therefore, the Central Area should receive a high level of service, maintenance and public development and improvement initiatives.

CAPIC	4.11.1	Council will ensure that the Central Area Plan Implementation Committee oversees and provides advice on the implementation of the Central Area Plan.
Priority of Central Area	4.11.2	As a Regional Centre, the Central Area should receive a priority in terms of public expenditures, service and maintenance.





- Neighbourhood Plans 4.11.3 In accordance with Section D.2.1 of the Official Plan, it is intended that the Central Area Plan be further implemented through the review and revision of the existing Neighbourhood Plans in the Central Area.
- Niagara Escarpment 4.11.4. Certain portions along the southern edge of the Central Area are under Development Control regulations of the Niagara Escarpment Commission. Prior to any development or redevelopment in these areas the issuance of a development permit will be required from the Commission.
- Map Interpretation 4.11.5 The boundaries between the classes of land use designated on Schedule "A-1" are only intended to be general and not to define the exact limits of any land use or policy. It is intended, therefore, that minor adjustments may be made in respect of these boundaries in the Zoning By-law without the necessity of further amending this Official Plan, so long as such By-laws conform to the general intent and purpose of this Plan.

scale: NTS



SCHEDULE A-1 CENTRAL AREA LAND USE STRATEGY 2001

LEGEND

- | | | | |
|---|-----------------------------|---|---------------------------|
|  | Downtown Core |  | Waterfront Recreation |
|  | Mixed Use |  | Neighbourhood Residential |
|  | Mixed Industrial/Commercial |  | Parks and Open Space |
| | |  | Shipping & Navigation |

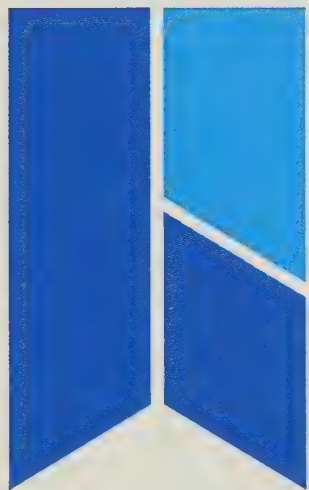
- K) Schedule "A" - Land Use Concept of the Official Plan will be amended by deleting some existing designations within the Central Area and replacing them with those as shown within the dotted line on the attached Schedule "A" to this Amendment.
- L) Schedule "B" - Special Policy Areas of the Official Plan will be amended by revising the boundaries of Special Policy Areas 3 and 5 as shown on the attached Schedule "B" to this Amendment.

IMPLEMENTATION

The provisions of Subsection "D" Implementation of the Official Plan, as amended, will apply to the implementation of this Amendment.

Placeholder for Foldout.

Insert to Be Photographed at
a Later Date.



**Hamilton
Public
Library**

To View This Foldout
Material in Person, Please
Contact Hamilton Public
Library **<http://www.hpl.ca>**

special policy areas

REFER TO
POLICY

AREA	REFER TO POLICY
1(a)	A 2.9.1.
1(b)	A 2.9.1.
2	A 2.9.2.
3	A 2.9.3.
4	A 2.9.3.1.
5	A 2.9.3.2.
6	A 2.9.3.3.
7	A 2.9.3.4.
8	A 2.9.3.5.
9	A 2.9.3.6.
10	A 2.9.3.7.
11	A 2.9.3.8.
12	A 2.9.3.9.
13	A 2.9.3.10.
14	A 2.9.3.11.
15	A 2.9.3.12.
16	A 2.9.3.13.
17	A 2.9.3.14.
18	A 2.9.3.15.
19	A 2.9.3.16.
20	A 2.9.3.17.
21	A 2.9.3.18.
22	A 2.9.3.19.
23	A 2.9.3.20.
24	A 2.9.3.21.
25	A 2.9.3.22.
26	A 2.9.3.23.
27	A 2.9.3.24.
28	A 2.9.3.25.
29	A 2.9.3.26.
30	A 2.9.3.27.
31	A 2.9.3.28.
31(a)	A 2.9.3.29.
31(b)	A 2.9.3.30.
31(c)	A 2.9.3.31.
32	A 2.9.3.32.
33	A 2.9.3.33.
34	A 2.9.3.34.
35	A 2.9.3.35.
36	A 2.9.3.36.
37	A 2.9.3.37.
38	A 2.9.3.38.
39	A 2.9.3.39.
40	A 2.9.3.40.

schedule B

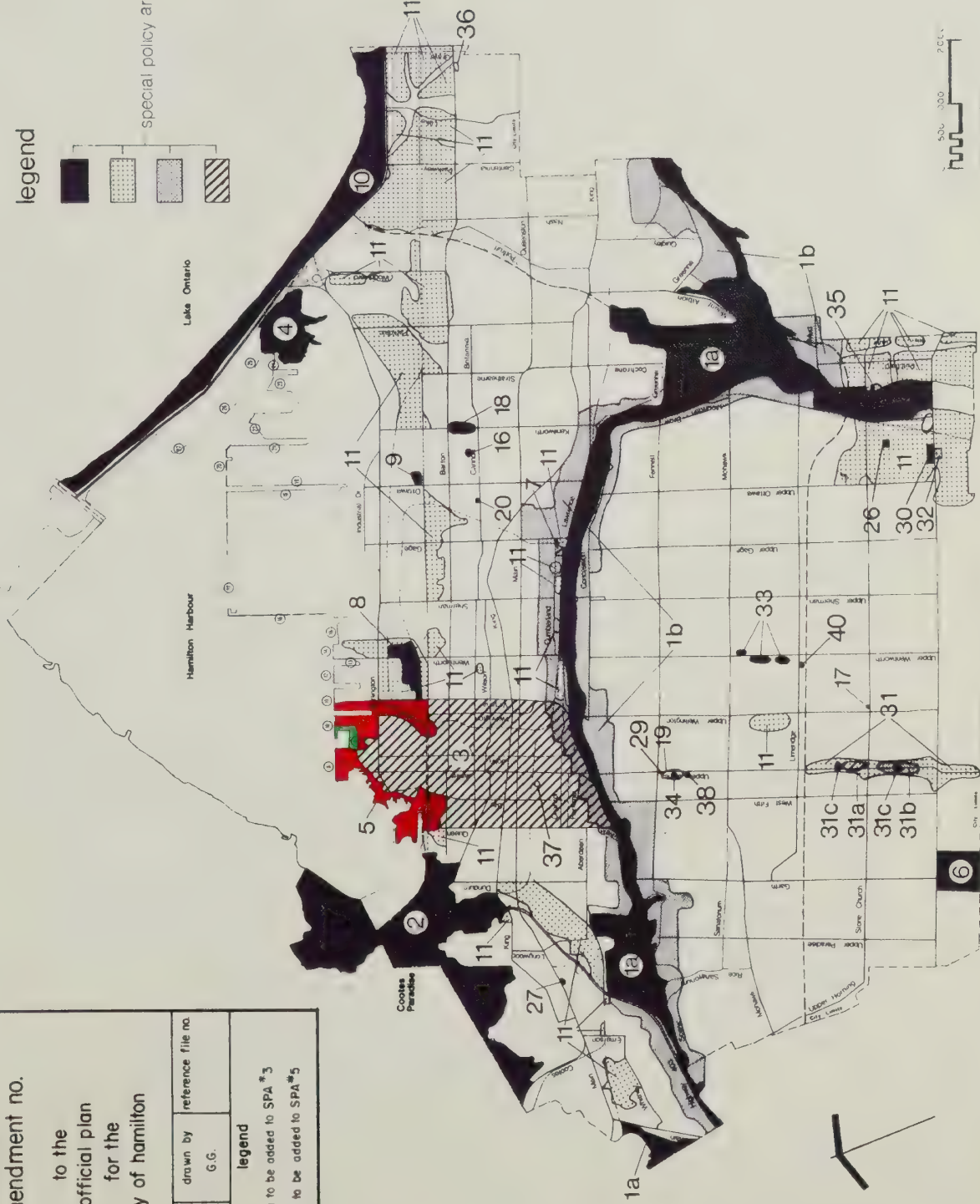
to the official plan
for
the city of hamilton

88 03 24

legend



special policy areas



schedule B
amendment no.

to the
official plan
for the
city of hamilton

date	drawn by	reference file no.
SEPT., 1988	G.G.	

legend

- Area to be added to SPA #3
- Area to be added to SPA #5

CA4 ON HBL AOS
CSIP4

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1988 October 6

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1988 October 12th
2:00 o'clock p.m.
Room 233, City Hall

A handwritten signature in cursive script that reads "Susan K. Reeder".

Susan K. Reeder
Secretary

SKR:dbm

NOTE: Due to the scheduling of an O.M.B. Hearing in the Council Chambers,
Zoning Applications will be heard in Room 233.

A G E N D A

1. Minutes of the meeting held Wednesday, 1988 September 14th.

ALDERMAN AGOSTINO

2. Controls and/or Restrictions on Mobile Advertising Signs. (no copy)

BUILDING COMMISSIONER

3. Demolition Permit Applications.

DIRECTOR OF PROPERTY

4. City Sale - Lot 38, Plan M-227 - Hamilton Industrial Park No. 1.

DIRECTOR OF COMMUNITY DEVELOPMENT

5. Application - Ontario Home Renewal Programme (O.H.R.P.).
6. Provincial/Municipal Housing Agreement for the City of Hamilton.
7. Provision in the 1989-1993 Capital Budget and reapplication to the Ministry of Municipal Affairs for financial assistance - P.R.I.D.E. Programme - Crown Point West/Stipeley Neighbourhoods.
8. Provisions in the 1989-1993 Capital Budget - P.R.I.D.E. Housing Intensification Funding Programme - Central/Beasley Neighbourhoods.

MANAGER OF PURCHASING

9. Supply and Delivery of Two (2) Sub-Compact Vehicles, Building Department.

COMMISSIONER OF ENGINEERING

10. Subdivision Grading.
11. Cash Payment in Lieu of 5% Parkland Dedication - "Red Hill Manor No. 2".

DIRECTOR OF LOCAL PLANNING

12. Subdivision Application 88-12, to establish a draft plan of subdivision for property in the area bounded by Kenilworth Avenue South, King Street East, Normandy Road and Garside Avenue; Bartonville Neighbourhood.
13. Toronto City Council proposal for a land speculation tax.

ZONING APPLICATIONS

3:00 O'CLOCK P.M.

ROOM 233

3:00 p.m.

14. Zoning Application 88-61, J. and J. Tarbutt, owners, for property at No. 1446 Upper Ottawa Street; Templemead Neighbourhood.
15. Zoning Application 88-63, Westmount Homes Ltd., owner, for lands in the area west of Upper Wentworth Street and north of Stone Church Road East; Crerar Neighbourhood.
16. Zoning Application 88-21, 373272 Ontario Ltd. (J. Majstorovich), owner, for property at No. 2289 Barton Street East; Nashdale Neighbourhood.

3:15 p.m.

17. Zoning Application 88-35, F. Carnicelli, prospective owner, for land at the north-west corner of Stone Church Road East and Upper Sherman Avenue; Rushdale Neighbourhood.
18. Zoning Application 88-57, Barriview Developments Ltd., prospective owner, for properties at Nos. 872, 878, 882 and 890 Upper Wentworth Street; Bruleville Neighbourhood.

3:30 p.m.

19. Zoning Application 88-62, Castleview Holdings Inc. (W. Kosar), owner for property at No. 577 York Street; Strathcona Neighbourhood.

3:45 p.m.

20. (a) Proposed land use for the north and south sides of King Street East, between Nash Road and Centennial Parkway; Gershome and Greenford Neighbourhoods. (report to follow)
- (b) Zoning Application 87-58, Tommar Construction Ltd., owner, for lands municipally known as Nos. 2774 and 2794 King Street East; Gershome Neighbourhood.
- (c) Zoning Application 87-95, F. J. Barnes, owner, for property at No. 2783 King Street East; Greenford Neighbourhood.
21. Other Business.
22. Adjournment.

Wednesday, 1988 September 14
2:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman D. Ross, Vice-Chairman
Mayor Robert M. Morrow
Alderman B. Hinkley
Alderman D. Christopherson
Alderman W. McCulloch
Alderman T. Cooke
Alderman H. Merling
Alderman D. Agostino

Also present: Alderman J. Gallagher
Alderman G. Copps
Alderman T. Murray
Mr. V. Abraham, Director of Local Planning
Mr. P. Lampman, Building Department
Mr. L. Harvey, Building Department
Mr. J. Robinson, Community Development Department
Mr. K. Brenner, Regional Engineering Department
Mr. M. Watson, Real Estate Division
Mr. R. Karl, Traffic Department
Mr. P. Hooker, City Solicitor's Office
Mr. J. Sakala, Planning Department
Mr. P. Mallard, Planning Department
Mr. J. Zipay, Planning Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meeting held Tuesday, 1988 August 30 and APPROVED these minutes.

The Committee was in receipt of a report from the Director of Property dated 1988 August 12 respecting the extension of commencement date of construction, City Sale of Lot 43, Plan M-227 (255 Lancing Drive).

The Committee APPROVED the following:

That the Offer to Purchase the lands of the Corporation of the City of Hamilton, being composed of Lot 43, Plan M-227, Hamilton Industrial Park No. 1, duly executed on 1987 November 2 by the Purchasers, Elio Pietrantonio and Maria Angela Pietrantonio, as approved by City Council on 1987 November 24, Sixteenth Report of the Planning and Development Committee, Item #4, BE AMENDED as follows:

- (a) That the date of commencement of construction be extended from 1988 July 26 to 1988 October 26, and
- (b) That all other terms and conditions of the Offer to Purchase to remain the same, and time continues to be of the essence.

The Committee was in receipt of a report from the Director of Property dated 1988 September 8 respecting a purchase by the City of property at 411 Sherman Avenue North.

The Committee APPROVED the following:

That an Option to Purchase the property at 411 Sherman Avenue North by Phillip Sinwaski, executed on 1988 September 7 and scheduled to close on or before 1988 November 15 BE COMPLETED.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) and has a frontage of 20 feet, more or less by a depth of 90 feet, more or less, together with all structures erected thereon. The purchase price of \$65 000 and all costs and associated expenses, including Tenant Moving Allowances, to be charged to account 0408-W75266. Demolition is to take place upon closing.

Minutes -
1988 August 30

Extension of
commencement date
of construction -
255 Lancing Drive.

Purchase by the City
- 411 Sherman Ave.N.

Release of
Building Covenants
- 100 Goderich Rd.

The Committee was in receipt of a report from the Director of Property dated 1988 September 8 respecting the release of building covenants for property at 100 Goderich Road.

The Committee APPROVED the following:

That the City Solicitor BE AUTHORIZED to prepare the necessary release agreement from the City of Hamilton to the present owners of 100 Goderich Road, Hamilton, Ontario to release the property from the construction covenants to the City as contained in deed number 342507 CD.

NOTE: In adopting Item 22 of the First Report of the Planning and Development Committee on 1985 December 10, City Council authorized the sale of the City owned property at 100 Goderich Road to 650553 Ontario Inc. The transaction was completed on 1986 February 6. A 5,000 square foot building was completed on the site in accordance with the building covenants contained in the City's deed number 342507 CD.

Decorative
Lighting System -
Barton Street
B.I.A.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 August 31 respecting decorative lighting system - Barton Street B.I.A.

The Committee was also in receipt of an Information Memorandum from the Community Development Department respecting this project.

The Committee then APPROVED the following recommendation:

That the Commissioner of Engineering BE AUTHORIZED and directed to issue a requisition to Dufferin Construction Company in the amount of \$30 000 for the supply and installation of a working, decorative lighting system on Barton Street, and be charged to the City of Hamilton Capital Budget Account No. 0407-K75709.

NOTE: Lowest of three (3) bids received.

Cash in lieu of
parkland -
"Anna Capri
Gardens
Addition".

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 September 8 respecting cash payment in lieu of 5% parkland dedication for "Anna Capri Gardens Addition", Hamilton.

The Committee APPROVED the following:

That the Corporation of the City of Hamilton accept the sum of \$3 560 as cash payment in lieu of 5% dedication in connection with Anna Capri Gardens Addition, Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located south of Stone Church Road and east of Upper Gage Avenue, in the Templemead Neighbourhood, Hamilton.

- "Lillian
Heights -
Phase 1".

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 September 8 respecting cash payment in lieu of 5% parkland dedication for "Lillian Heights - Phase 1", Hamilton.

The Committee APPROVED the following:

That the Corporation of the City of Hamilton accept the sum of \$27 930 as cash payment in lieu of 5% dedication in connection with Lillian Heights - Phase 1, Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located between Upper Gage Avenue and Upper Ottawa Street, south of Rymal Road, in the Broughton East Neighbourhood, Hamilton.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 September 8 respecting cash payment in lieu of 5% parkland dedication for "Templemead No. 1 Survey - Phase 2".

- "Templemead
No.1 Survey -
Phase 2".

The Committee APPROVED the following

That the Corporation of the City of Hamilton accept the sum of \$78 225 as cash payment in lieu of 5% dedication in connection with Templemead No. 1 Survey - Phase 2, Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located east of Upper Gage Avenue and north of Rymal Road, in the Templemead Neighbourhood, Hamilton.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 September 8 respecting cash payment in lieu of 5% parkland dedication for "Highridge Hills - Stage 1".

- "Highridge Hills
- Stage 1"

The Committee APPROVED the following:

That the Corporation of the City of Hamilton accept the sum of \$55 080 as cash payment in lieu of 5% dedication in connection with Highridge Hills - Stage 1, Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located east of Upper Sherman Avenue, north of Stone Church Road, in the Randall Neighbourhood, Hamilton.

The Committee was in receipt of a Private and Confidential Report from the Director of Community Development dated 1988 September 7 respecting the City of Hamilton Heritage Programme.

Designated
Property

The Committee APPROVED the following

- (a) That the Department of Community Development BE DIRECTED to process an increase in the Designated Property Grant for 1988 to \$5 975 to Mr. Carl Kopriva, owner of 233 and 235 Locke Street North (Castle Dean).
- (b) That the Department of Community Development BE DIRECTED to process an increase in the Community Heritage Trust Fund Loan to Mr. Carl Kopriva, owner of 233 and 235 Locke Street North (Castle Dean), in the amount of \$5 995 at six (6) percent interest, amortized over a ten (10) year period.

The Committee was in receipt of correspondence from Mr. Dennis A. Trinaistich, Wooley, Dale & Dingwall, Barristers & Solicitors on behalf of 645437 Ontario Limited, applicant for an amendment to the Official Plan and Zoning By-law ZA-87-119 for a proposed restaurant and tavern at 986-998 Upper Wentworth Street.

Mr. Trinaistich spoke to the Committee on his request that the Committee reconsider the above-noted Zoning Application in light of another application approved for restaurant use at 849 and 853 Upper Wentworth Street.

The Committee discussed this matter and it was moved by Alderman Merling, seconded by Alderman Hinkley and carried to TAKE NO ACTION on this matter.

ZA87-119 -
986-998 Upper
Wentworth -
request to
reconsider
decision.

Variances to
Zoning By-law
6593 respecting
restaurants in
"H" zoning
districts.

The Committee was in receipt of an Information Report from the Building Commissioner dated 1988 September 14 respecting variances to Zoning By-law 6593 as amended by By-law 78-184 respecting restaurants in "H" zoning district.

The Director of Local Planning advised the Committee that his department is undergoing a study on this matter and other similar issues and hoped to finalize the report by the end of 1988.

Considerable discussion ensued on this matter and the Committee agreed to RECEIVE the Information Report of the Building Commissioner and encouraged the Director of Local Planning to complete his study as quickly as possible.

NOTE: Mayor Morrow opposed.

Second Level
Lodging House
Task Force

The Committee was in receipt of correspondence forwarded to them from Alderman D. Christopherson, Chairperson of the Second Level Lodging House Task Force. Alderman Christopherson explained the purpose of his request and it was moved by Alderman Christopherson, seconded by Alderman Merling and carried to APPROVE the following recommendation:

That the Planning and Development Committee endorse the proposed loan programme for the regulation and enforcement of Second Level Lodging Homes, subject to the entire package proposed by the Second Level Lodging House Task Force being approved by the Legislation Committee and City Council.

Building Permit
for new
development -
2825 King St. E.

The Committee was in receipt of a memorandum from u Mr. P. Hooker of the City Solicitor's Office dated 1988 August 22 respecting Demolition Permit - 2825 King Street East - Building Permit for New Development.

Discussion ensued on this matter and it was then moved by Alderman Christopherson, seconded by the Mayor and carried to RECEIVE this report.

Site Plan Control
Application
DA87-61 - south-
west corner of
Upper Paradise Rd.
and Stone Church
Rd. W.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 August 18 respecting Site Plan Control Application DA-87-61 for a commercial-residential complex at the south-west corner of Upper Paradise Road and Stone Church Road West.

Moved by the Mayor, seconded by Alderman Christopherson and carried to APPROVE the following recommendation:

That approval be given to Site Plan Control Application DA-87-61 by Arosa Properties Limited, owner, of lands at the south-west corner of Upper Paradise Road and Stone Church Road West for a commercial-residential complex containing 138 condominium apartment units and approximately 1444.5 m² of retail gross area, subject to the following:

- (a) Modification to the plan related to notes, landscaping, parking and dimensions as marked in red on the plans.
- (b) Submission of a revised grading plan to the satisfaction of the Commissioner of Hamilton-Wentworth Engineering Department.
- (c) Submission of a revised site plan and related changes to grades and landscaping to incorporate a revised access driveway design to the satisfaction of the Director of Traffic Services.
- (d) Approval by the Committee of Adjustment for the following variances:
 - (i) Reduction of a required rear and side yards from 12.8 m to 11.4 m.
 - (ii) Increase in the height of the building from 8 storeys to 9 storeys.
 - (iii) Provision of a portion of the required landscaping to be located on the top floor which is not overlooked by a residential use.

Concern was expressed at the building located on the north-west corner of Upper Paradise and Stone Church Road and the fact that landscaping has not been completed. The Committee asked that a report on this matter be forwarded to them.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 August 24 respecting an amended Zoning Application 88-24, for property on the north side of Rymal Road East between Upper Wentworth Street and the Hydro Right-of-Way.

Report of the circularization was given as follows:

56 notices sent 12 in favour 1 opposed

Mr. and Mrs. Skinner, owners of All Seasons Kennels at 555 and 557 Rymal Road East were in attendance at the meeting for the purpose of obtaining information on the proposed development.

The Applicant for the proposal was also in attendance.

Alderman Merling and Alderman Gallagher spoke in support of this application.

It was then moved by Alderman Merling, seconded by Alderman Agostino and carried to APPROVE the following recommendation:

- (a) That APPROVAL be given to Official Plan Amendment No. 64 to redesignate from "Residential" to "Commercial", and to establish a "Special Policy Area", lands located on the north side of Rymal Road East between Upper Wentworth Street and the Hydro Right-of-Way, and that the City Solicitor be directed to prepare a By-law to adopt the Official Plan amendment for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That APPROVAL be given to amended Zoning Application 88-24, Arthur Weisz, owner, requesting a change in zoning from the "AA" (Agricultural) District to the "G-1" (Designed Shopping Centre) District for property located on the north side of Rymal Road East between Upper Wentworth Street and the Hydro Right-of-Way, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - (i) That the subject lands be rezoned from the "AA" (Agricultural) District to the "G-1" (Designed Shopping Centre) District.
 - (ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27D and E-27E for presentation to City Council.
 - (iii) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 64.
 - (iv) That the approved Butler Neighbourhood Plan be amended by redesignating the subject lands to "Commercial".

NOTE: The purpose of the By-law is to provide for a change in zoning from the "AA" (Agricultural) District to the "G-1" (Designed Shopping Centre) District for property located on the north side of Rymal Road East between Upper Wentworth Street and the Hydro Right-of-Way.

The effect of the By-law is to permit the future development of the property for a retail shopping plaza having between 9,290 m² (100,000 sq.ft.) and 13,395 m² (150,000 sq.ft.) of floor space.

Property - north-west corner of Upper Paradise and Stone Church Road.

Amended Zoning Application 88-24 - north side of Rymal Rd. E. between Upper Wentworth and the Hydro Right-of-Way.

Modifications -
ZA88-07 -
21-71 Sanford N.,
14 Acorn Street,
15 Sanford Ave. S.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 September 14 respecting modifications to the previously approved Zoning Application (ZA-88-07) for property at 21-71 Sanford Avenue North, 14 Acorn Street and 15 Sanford Avenue South.

The report also requested approval for Site Plan matters.

Discussion ensued on this matter and Alderman Christopherson asked that proper fencing be ensured along Arthur Street, Acorn Street and the easterly portion of Sanford Avenue.

It was moved by Alderman Christopherson, seconded by Alderman Hinkley and carried to APPROVE the following recommendation:

(A) That in regard to Zoning Application 88-07 by Vaghela Investments, owner, of properties at 21-71 Sanford Avenue North, 14 Acorn Street and 15 Sanford Avenue South, that Section 4 of the Eighth Report for 1988 of the Planning and Development Committee adopted by City Council on 1988 April 27, and Section 14 of the Thirteenth Report for 1988 of the Planning and Development Committee adopted by City Council on 1988 May 31, BE DELETED and the following substituted therefore:

(a) That APPROVAL be given to Zoning Application 88-07, Vaghela Investments, owner, requesting a change in zoning from "J" (Light and Limited Heavy Industry) District to "DE-3" (Multiple Dwellings) District, a modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit the conversion of the existing vacant industrial buildings to a 193 unit multiple dwelling (condominium) for the property located at numbers 21-71 Sanford Avenue North, and to allow for required parking to be located off-site at numbers 15 Sanford Avenue South and 14 Acorn Street, shown respectively as Blocks "2", "3" and "4" on Schedules "A", "A-1" and "A-2", attached herewith as APPENDIX "B", "C", and "D", on the following basis:

- (i) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. 1983 to the lands shown as Block "2", by introducing the holding symbol 'H' as a suffix to the proposed "DE-3" District.
- (ii) That Block "2" be rezoned from "J" (Light and Limited Heavy Industry) District, modified to "DE-3" - 'H' (Multiple Dwellings) District;
- (iii) That the holding provision ('H') be removed by City Council upon completion of a site plan for the proposed development which includes the parking lots located at No. 15 Sanford Avenue South, and 14 Acorn Street, shown as Block "3" and "4";
- (iv) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593 applicable to Block "2" be modified to include the following variances as special requirements:
 - (1) That Section 10C(3) shall not apply to the existing buildings and any new additions;
 - (2) That notwithstanding Section 10C(6), there shall be provided and maintained on the lot and within the district, at least 12% of the lot area as landscaped area and not less than 9.40% of the lot area shall be landscaped at grade;
 - (3) That notwithstanding Section 10C(5) no building or structure in a "DE-3" District shall have a gross floor area greater than 29,500 m²;

- (v) That Section 4.(3)(a) shall not apply;
- (vi) That notwithstanding Section 18A.(9), required parking for the multiple dwelling may be provided on lots located at No. 15 Sanford Avenue South and No. 14 Acorn Street, shown as Blocks "3" and "4", or on-site;
- (vii) That notwithstanding Section 18A.(1)(c), one loading space (9 m x 3.7 m x 4.3 m) shall be provided on-site.
- (viii) That Section 2.(2)J.(xb)(c) shall not apply.
- (ix) That notwithstanding Section 18A.(7) every required parking space, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long;
- (x) That notwithstanding Section 18A.(8) every parallel parking space shall have dimensions not less than 2.4 metres wide and 6.7 metres long;
- (xi) That notwithstanding Section 18A.(1)(f) the manoeuvring space abutting upon and accessory to each required parking space, except for parallel parking spaces, shall have an aisle width of not less than 4.4 metres in length;
- (xii) That notwithstanding Section 18A.(1)(f) the manoeuvring space for parallel parking spaces shall be permitted on an adjacent alleyway for the lands shown as Block "3";
- (xiii) That notwithstanding Section 18A.(24)(b)(i), the access driveways shall be not less than 4.4 metres in width;
- (xiv) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-law No. 6593, applicable to Block "4" be modified to include the following variances as special requirements:
 - (1) That notwithstanding Section 13C(3)(i) a front yard of 1.8 metres shall be provided.
 - (2) That Section 13C(3)(ii) shall not apply.
- (xv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1073, and that the subject lands on Zoning District Map E-22 be notated S-1073;
- (xvi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-22 for presentation to City Council;
- (xvii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (xviii) That approved Gibson Neighbourhood Plan be amended by redesignating No. 21 Sanford Avenue from "Commercial and Apartments" to "Medium Density Apartments".
- (xix) That the conditions of the Hamilton-Wentworth Engineering Department be satisfied prior to the amending By-law being submitted to City Council for approval.

- (B) That Schedule "A" of Site Plan Control By-law 79-275 BE AMENDED by adding the properties located at No. 15 Sanford Avenue South and No. 14 Acorn Street as shown on Schedules A-1 and A-2, attached herewith as APPENDIX "C" and "D".

NOTE: The purpose of the By-law is to provide for a change in zoning from "J" (Light and Limited Heavy Industry) District modified, to "DE-3" - 'H' (Multiple Dwellings) District modified for the property located at Nos. 21-71 Sanford Avenue North, and to modify the "H" (Community Shopping and Commercial, etc.) District and the "G-3" (Public Parking Lot) District for the properties at 15 Sanford Avenue South and 14 Acorn Street.

The 'H' refers to a holding symbol which will prohibit the development of the subject lands until a site plan for a proposed development (including the two parking lots on Sanford Avenue South and Acorn Street) is approved by the Planning and Development Committee.

The effect of the By-law is to permit the conversion of the existing vacant industrial building at No. 21-71 Sanford Avenue North for a 193 unit multiple dwelling (condominium), and to allow required parking to be provided off-site at No. 15 Sanford Avenue South and No. 14 Acorn Street.

In addition, the By-law provides for the following variances:

- (a) to exempt the existing building and any new additions from the yard requirements of the "DE-3" District;
- (b) to permit a minimum landscaped area of 12% of the lot area and not less than 9.4% at grade, instead of the required 25%.
- (c) to permit a portion of the required landscape area to be provided at upper floor levels instead of at grade, and to delete the requirement of 50% of the required landscaping to be "natural earth" and plantings;
- (d) to allow 2 principal buildings on the same residential lot whereas only 1 building is permitted;
- (e) to allow a portion of the required parking spaces to be located off-site on lands located at No. 14 Acorn Street and No. 15 Sanford Avenue South instead of on-site;
- (f) to exempt the development from providing a large loading space whereas the By-law requires one large and one small loading space;
- (g) to permit a reduction in the size of the parking spaces from 2.7 m x 6.0 m to 2.6 m x 5.5 m;
- (h) to permit a reduction of the size of the parallel parking spaces from 2.5 m x 6.7 m to 2.4 m x 6.7 m;
- (i) to permit a reduction of the manoeuvring area from 6.0 m to 4.4 m in length;
- (j) to permit a reduction of the driveway from 5.5 m to 4.4 m in width;
- (k) to permit the manoeuvring space for a parallel parking space to be located on an adjacent alleyway instead of within the property for No. 15 Sanford Avenue South;
- (l) to permit the gross floor area of the existing building, including minor additions, to a maximum of 29,500 m² instead of the maximum 8,024 m² as restricted by the "DE-3" provisions of the By-law;

- (m) to permit a reduction in the required front yard from 6.0 m to 1.8 m for the parking area located at 14 Acorn Street; and
- (n) to delete the required 1.5 m distance between the residential building and the parking spaces located at 14 Acorn Street.

The Committee was in receipt of an added report from the Secretary of the Task Force to Review the Mandate and Structure of the Hamilton Harbour Commission dated 1988 September 12 respecting an amendment to the Mandate.

The Committee APPROVED the following:

- (a) That the Terms of Reference for the Task Force to Review the Mandate and Structure of the Hamilton Harbour Commission contained in Section 7 of the Sixth Report for 1988 of the Planning and Development Committee adopted by City Council on Tuesday, 1988 March 29 BE AMENDED to delete the completion date of the Task Force as 1988 September 30; and
- (b) That the Task Force BE AUTHORIZED to continue their review and submit their recommendations as quickly as possible.

There being no further business the meeting then adjourned.

Taken as read and approved.

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1988 September 14

Task Force to
Review the Mandate
and Structure of
the Hamilton
Harbour Commission
- Amendment to
mandate.

Adjournment.

FOR ACTION

3.

REPORT TO: THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: P. KUPPE, BUILDING COMMISSIONER

DATE: October 5, 1988

COMM. FILE:

DEPT. FILE:

SUBJECT:

DEMOLITION

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following properties: -

- A. 47 Caroline Avenue North
- B. 135 Strachan Street East
- C. 50 Simcoe Street East
- D. 177 Mud Street

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

DATE: October 5, 1988

[illegible]

**P.C. Lampman, P. Eng., I
Manager Plan Examination**

FOR ACTION

4.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1988 September 20
COMM FILE:
DEPT FILE: 20.1.285

SEP 22 1988

SUBJECT: City Sale - Lot 38, Plan M-227
Hamilton Industrial Park #1
TO: Aiden Tuite, William Pickard,
Luigi Centurami, 441138 Ontario Limited

RECOMMENDATION:

That the Offer to Purchase the lands of the Corporation of the City of Hamilton, Lot 38, Plan M-227, Hamilton Industrial Park #1, located on Nebo Road, duly executed on September 23, 1987 by the Purchasers, William Pickard, 441138 Ontario Limited and William Castle and approved by City Council on October 13, 1987, 19th Report of the Planning and Development Committee, Item #16 and as amended to the names of William Pickard, 441138 Ontario Limited, Aiden Tuite and Luigi Centurami and approved by City Council on May 31, 1988, 30th Report of the Planning and Development Committee, Item #2, be further amended as follows:

1. That the commencement of construction date be extended from September 23, 1988 to December 23, 1988, and
2. That the completion of construction date be extended from September 23, 1989 to December 23, 1989, and
3. Time is to remain of the essence of the agreement and all other items and conditions of the agreement are to remain the same.


D. W. Vyce

FINANCIAL IMPLICATIONS: N/A

Continued ...

BACKGROUND:

The Purchasers have advised that they have encountered delays in their site plan approval because of changes in plans of their proposed building and are requesting that the dates of commencement and completion of construction be extended by three months. We concur in this request.

c.c. Mr. K. A. Rouff, City Solicitor
Mr. E. C. Matthews, City Treasurer
Mr. M. Chidley, Regional Surveyor,

FOR ACTION

5.

REPORT TO: Susan K. Reeder, Secretary
Planning & Development Committee

FROM: E. W. Kowalski, Director
Department of Community Development

DATE: Oct. 5, 1988

COMM FILE:

DEPT FILE: 800-0300

OCT 0 5 1988

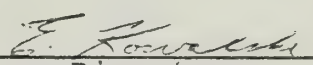
SUBJECT:

Ontario Home Renewal Programme (O.H.R.P.)

RECOMMENDATION

That the Director of Community Development be authorized to process the following grant/loan(s) in the amounts not to exceed \$7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)



Director
Department of Community Development

N/A

BACKGROUND

The applications listed below are currently being processed for a grant and/or loan pursuant to an amendment to The Housing Development Act, Regulation 506 (R.R.O. 1980).

For the information of the members of the Committee, the total number of applications to date under the Ontario Home Renewal Programme is three thousand, eight hundred and forty-four (3,844).

- (a) Edward Szypula
1650 King St. E.
- (b) Mrs. A. Dreher
3 Fielding Crescent

FOR ACTION

6.

REPORT TO: Mrs. S.K. Reeder
Secretary, Planning & Development Committee

FROM: Mr. E. W. Kowalski,
Director

DATE: 1988 October 4
COMM FILE: 800-MNP-1.0
DEPT FILE:

SUBJECT:
PROVINCIAL/MUNICIPAL HOUSING AGREEMENT FOR THE CITY OF HAMILTON

RECOMMENDATION

That the Director of Community Development be hereby authorized to enter into negotiations with the Ministry of Housing, with the aim of establishing a Provincial/Municipal Housing Agreement.

E. Kowalski

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

On May 20, 1988, the Minister of Housing and the Mayor of the City of Ottawa signed an Agreement for Provincial/Municipal Housing Co-operation in the City of Ottawa. This Agreement has resulted in allocation of a total of \$90 million to the City for affordable housing. On September 19, 1988, the City of Peterborough also signed a Provincial/Municipal Housing Agreement valued at \$27 million over a three year period (see attached agreements). It is understood that the City of Toronto has also begun negotiations for such an agreement. Previously the City of Toronto had received \$1.2 billion for the development of St. Lawrence Square.

As a result of these actions there appears an unprecedented opportunity and funds for the development of local affordable housing actions. The City of Hamilton should take steps now to ensure that the City receives its fair share of this special funding.

The Provincial/Municipal Housing Agreement is designed to be tailored made to the local housing needs of each municipality. In the Peterborough and Ottawa Agreements Provincial actions include:

- * funding for special housing studies;
- * funding for demonstration project;
- * funding for housing intensification;
- * using Government lands for affordable housing;
- * establishing an Emergency Repair Fund;
- * providing bulk non-profit allocations; and,
- * a review of the M.U.P.'s

It should be noted that housing agreements also require local actions and monetary commitments, including:

- * undertaking special studies;
- * capital for land acquisition for social housing projects;
- * a commitment to the 25% affordable housing target; and,
- * a review of planning controls with the aim of promoting affordable housing.

Preliminary discussions have begun with staff of the Ministry of Housing, regarding such an agreement for Hamilton and the Ministry has indicated interest in establishing such an agreement with the City. As Provincial/Housing Agreements are tied to the provisions of affordable housing and housing programs, it is proposed that the Community Development Department continue to act as the Co-ordinators for such an agreement. In addition, the following Departments are expected to provide input into such an agreement.

- * Planning and Development;
- * Real Estate;
- * Treasury; and,
- * Building

Further input should be sought from sources outside City Hall as well including the Coalition of Social Housing Providers, Local Home Builders and other interested agencies.

A Provincial/Municipal Housing Agreement will provide an opportunity for Special Provincial funding for the City of Hamilton, tied to local housing needs and bring the City to the forefront of affordable housing actions in Ontario. In order to ensure that Hamilton receives its fair share of Provincial funds, the City should begin negotiations for such an agreement as soon as possible.

return to Dd.
800 MURPH 113

**Agreement for Provincial/Municipal
Housing Cooperation in the
City of Ottawa**

May 20, 1988

GOVERNMENT OF ONTARIO/CITY OF OTTAWA
AFFORDABLE HOUSING AGREEMENT

A. SYNOPSIS

The next 10 years will see a significant increase in the supply of affordable housing in the Ottawa area, as the result of an agreement between the City of Ottawa and the Government of Ontario.

The agreement, which will serve as a model of municipal-provincial co-operation in achieving mutual housing goals, will be signed on May 20, 1988, by Housing Minister Chaviva Hosek and Ottawa Mayor Jim Durrell.

The agreement covers three major objectives:

- more effectively and efficiently using the existing housing stock and vacant and underutilized land or buildings;
- increasing the supply of affordable housing;
- achieving the target that 25 percent of all housing in major new residential development projects be provided as affordable housing.

As part of the agreement, the Government of Ontario and the City of Ottawa are making specific contributions towards achieving these objectives.

Provincial contributions toward providing affordable housing in Ottawa include:

- contributing toward servicing of major residential projects;
- assistance for the Strathcona Heights Redevelopment Plan;
- developing underused provincial and related properties; and
- additional support through specific Ministry of Housing programs.

The City of Ottawa's contribution to meeting these objectives include:

- active encouragement of affordable housing and residential development through the municipal planning process;
- reducing development costs through regulatory reform;
- capital investment for land acquisition and development of affordable housing; and
- assistance to non-profit and co-operative developers through program delivery and land provision.

B. AGREEMENT FOR PROVINCIAL/MUNICIPAL HOUSING COOPERATION IN THE CITY OF OTTAWA

1. Objectives of the Agreement

The objectives of the Agreement will be as follows:

- 1.1. To develop policies and strategies aimed at encouraging the more efficient and effective use of existing housing stock, and vacant and underutilized land or buildings;
- 1.2.a) To develop policies and implement programs aimed at increasing the supply of affordable housing;
- b) To develop policies and implement programs designed to meet the target that 25% of all additional housing resulting from major new residential (re)development projects be provided as affordable housing.

2. Province of Ontario Contributions

2.1 Servicing of Major Residential Projects

The Ministry of Housing recognizes the importance of servicing improvement expenditures to the overall success of the City of Ottawa's housing strategies, and accepts the necessity for cost-sharing between the Province and the City, subject to appropriations. On a case by case basis, the Ministry will become involved in feasibility studies with the City to ascertain the type of provincial contribution that will be necessary for each project as it arises. The criteria and priorities for projects to be eligible will be negotiated in the Operating Agreement. The Strathcona Heights and Bayview Yards redevelopment projects will be the first assessed against the criteria for cost-sharing commitments.

2.2. Tailor-Made Assistance for Strathcona Heights

The Ministry of Housing supports the Strathcona Heights Redevelopment Plan. At this time, the Ministry of Housing will commit the first 80 units of non-profit housing for 1988 requested by the City of Ottawa. These 80 units will be provided from unilateral provincial allocations after appropriate applications have been submitted. The Ministry will also participate in the program funding throughout the redevelopment phases, subject to appropriations. The detailed funding arrangements will be established in the Operating Agreement. The City of Ottawa will join the Ministry of Housing in a joint request that CMHC participate in this project as quickly and as fully as possible.

2.3. Bulk Allocations for Social Housing

The Ministry of Housing recognizes the difficulties for multi-year planning caused by the current Federal-Provincial allocation process, but is currently constrained by CMHC with regard to the cost-shared units. The Ministry will, however, commit to bulk allocations initially of unilateral units and will commit to negotiate the bulk allocations of Federal-Provincial units as required with CMHC. The Ministry fully supports the development of a turnkey function to be provided by the City to smaller, less experienced groups.

2.4. Rehabilitation Assistance

The Ministry of Housing agrees to the use of the Low-Rise Rehabilitation Program for City-acquired units, where there is no concurrent operating agreement under social housing programs that provide ongoing operating support to projects. In addition, the Ministry agrees to review the OHRP recycling strategy with the City of Ottawa.

2.5. Provincial Contributions to Joint Venture Projects

The Ministry agrees to 50% cost sharing with the City of Ottawa for mutually agreed-on affordable housing demonstrations subject to appropriations. Examples of such demonstrations might include low-end of market rental projects with the private sector; and life tenancy seniors' demonstration projects.

2.6. Special Studies

The Ministry agrees to share costs on agreed studies regarding, for example, a comprehensive zoning review, regulatory reform, joint venture feasibility studies, and a rehabilitation need survey. Wherever possible, existing programs will be used and the Ministry agrees to assist in speedy processing of applications. Where no program funding exists, the Ministry agrees to review the requests on a case by case basis and fund wherever possible from direct operating expenditures. CMHC should be asked to participate where appropriate.

2.7. Review of Maximum Unit Prices in consultation with the City of Ottawa

The Ministry of Housing agrees to seek the City of Ottawa's input to the next joint Federal-Provincial review of MUP's. The concepts of regular monitoring and updating are supported although the Ministry's role is limited in this regard by the Federal partnership.

2.8. Development of Underused Provincial and Related Properties

Under the Housing First Policy, the Province will utilize provincial properties in co-operation with the City, to support the provision of affordable housing, whether rental

or ownership. The Ministry of Housing will also actively encourage other Provincial ministries and related agencies to utilize their properties for affordable housing, where appropriate.

In addition, the Ministry of Housing and the City of Ottawa will jointly request the Federal Government to release some of its publicly-owned land at prices suitable for affordable housing.

2.9. Regulatory Reform

The Ministry of Housing is committed to creating an efficient and streamlined building regulatory framework. Furthermore, the Ministry will work with the Ministry of Municipal Affairs to streamline provincial planning review processes.

2.10. The Ministry of Housing, furthermore, agrees to the following specific program support:

- Municipal Housing Statement funding for the City of Ottawa to review its housing need and develop targets;
- Appropriate support for the implementation of planning guidelines on intensification and affordable housing;
- Appropriate support for the City to promote rehabilitation and intensification programs;
- Delivery of Convert-to-Rent on a fee-for-service basis by the City of Ottawa. The fee-for-service will be based on a program review to be completed jointly;
- Support through the Neighbours Program of a public awareness project to promote intensification;
- Support through the Home Planning Advisory Service Program.

3. City of Ottawa Contributions

3.1. Planning Mechanisms

The City of Ottawa agrees to actively encourage affordable housing by:

- Implementing, wherever possible, the changes to the zoning by-law, on a priority basis, following Council approval of the residential intensification and affordable housing policies currently being prepared within the Official Plan Review;
- Incorporating specific targets into the Municipal Housing Statement;

- Developing policies to facilitate and encourage residential infill and intensification through the land use planning and approvals process;
- Wherever possible, implementing the Ministry of Municipal Affairs' forthcoming Planning Guideline on residential intensification;
- Developing guidelines and targets for negotiating with developers interested in upzoning to achieve affordable housing, in accordance with the Ministry of Municipal Affairs' forthcoming Planning Guideline on affordable housing;
- Preparing development strategies for vacant government lands with intensification potential.

3.2. Regulatory Reform

The City of Ottawa agrees to reduce development costs by:

- Streamlining the approvals process for planning applications related to residential development and affordable housing by expanding on the existing Development Information and Applications Centre, with a view of substantially reducing present processing times;
- Simplifying planning and development regulations and making regulations more sensitive to housing needs.

3.3. Capital Investment

The City of Ottawa agrees to:

- commit \$1M per year for land acquisition for future social housing projects;
- provide at least \$1M per year for City equity for development or acquisition of affordable housing including joint ventures;
- provide an initial \$2M contribution for joint ventures, subject to 50/50 provincial assistance on agreed projects.

3.4. Use of City-owned Land

The City of Ottawa undertakes to utilize its own land for affordable housing wherever possible.

3.5. Direct Program Delivery

The City of Ottawa agrees to:

- assume a leadership role in co-ordinating non-profit and co-operative housing in the City of Ottawa;

- provide land to non-profit and co-operative developers at book value and develop projects to be managed by specific groups as required;
- promote provincial rehabilitation and intensification programs;
- subject to provincial approvals, to deliver Convert-to-Rent on a fee-for-service basis, adopting program targets and supporting program delivery through rehabilitation strategies.

3.6. Communications and Co-ordination

The City of Ottawa agrees to:

- develop a public awareness campaign under the Neighbours initiative to promote intensification;
- hold forums with the private sector, and non-profit and co-operative developers to develop new vehicles for affordable housing;
- establish a Home Planning Advisory Service under the terms of the Ministry of Housing's guidelines;
- take a lead role in developing a locally-based housing information and research centre.

4. The foregoing is the scope of the Agreement for Provincial/Municipal Housing Cooperation in the City of Ottawa between the City of Ottawa and the Ontario Ministry of Housing. It is a record of the interest and commitment of both parties to the supply of affordable housing. (Ground rules for negotiation and implementation arrangements will be pursued as established in the Memorandum of Agreement, dated May 3rd, 1988.)

Hon. Chaviva Hosek
Minister of Housing
Province of Ontario

James Durrell
Mayor
City of Ottawa

AGREEMENT FOR PROVINCIAL/
MUNICIPAL HOUSING
CO-OPERATION
BETWEEN
THE CITY OF PETERBOROUGH
AND
THE ONTARIO MINISTRY OF HOUSING

SEPTEMBER 19, 1988

AGREEMENT FOR PROVINCIAL/MUNICIPAL HOUSING CO-OPERATION IN THE CITY OF PETERBOROUGH

1. Background

In January 1987, the Mayor of the City of Peterborough established a Committee on Affordable Housing. This Committee tabled its Final Report with City Council on November 16, 1987. In April 1988, twenty-six of its twenty-seven recommendations for action on housing were approved. This agreement between the Province and the City of Peterborough reflects the mutual desire of both governments to implement many of those recommendations.

2. Purpose of the Agreement

- 2.1 To establish a shared responsibility between the Province of Ontario and the City of Peterborough for the provision and support of affordable housing.
- 2.2 To develop policies and implement programs aimed at increasing the supply of affordable housing through:
 - i) residential intensification;
 - ii) a target that 25% of new residential (re)development projects be provided as affordable housing; and
 - iii) the delivery of non-profit housing.
- 2.3 To promote and support the preservation of existing affordable housing.

3. New Housing Production

- 3.1 The Provincial Government has enunciated a target that at least 25% of total housing units resulting from new residential development and residential intensification through conversion of non-residential structures, infill and redevelopment be affordable housing. The City of Peterborough recognizes the need to create affordable housing as a component of development and will actively monitor projects to determine the opportunity for affordable housing.

The Ministry of Housing in consultation with the Ministry of Municipal Affairs or other Ministries will assist the City of Peterborough to expedite development that provides affordable housing, wherever appropriate.

- 3.2 Specifically, City Council shall consider the following targets in considering development applications or in its review of the official plan and zoning bylaw.

- 3.2.1 Areas for single family lots that have a lot frontage less than 13 metres (42 feet);
- 3.2.2 On lots with frontage less than 13 metres, a minimum of 50% shall have the size of dwelling constructed limited to a maximum of 75 square metres (800 sq. ft.) of floor area;
- 3.2.3 City Council will require that various subdivisions include housing units comprising semi-detached or street front townhouses and that the Official Plan contain the appropriate provision for approvals for family housing types.

- 3.3 . City Council will promote the Ministry of Housing's Starter Home Program to local builders and developers, and will actively seek to attract innovative, affordable housing. The City will work with the Ministry to finalize guidelines for this program.
- 3.4 The City of Peterborough will update and revise its Municipal Housing Statement and Official Plan policies to ensure that direction is provided to assist the production of affordable housing.

The Ministry of Housing will support funding for the City of Peterborough to update its Municipal Housing Statement and to develop appropriate targets for affordable housing.

4. Non-Profit and Assisted Housing

- 4.1 The Ministry of Housing will hold 200 non-profit units in reserve to meet housing needs for the City of Peterborough over the next three years. These units will be released on a case by case basis as projects come forward subject to appropriations by Management Board of Cabinet.
- 4.2 Future non-profit and assisted housing needs shall be determined by the City of Peterborough in conjunction with the Ministry of Housing. Priority for assisted housing shall be determined in accordance with relative need and will include the provision of housing for all the following groups (not in order of priority):
- i) low-income seniors;
 - ii) low-income families, including single-parent families;
 - iii) low-income singles;
 - iv) disabled; and
 - v) developmentally and psychiatrically handicapped.

- 4.3 The City of Peterborough will facilitate and support the endeavors of non-profit groups to develop non-profit and co-operative housing projects through advocating on behalf of these groups and through assigning priority to these projects in the land use planning and approvals process.
- 4.4 The City of Peterborough will annually assess the feasibility and need for establishing a municipal non-profit housing corporation.
- 4.5 The Ministry of Housing will work with the City of Peterborough to identify opportunities for increasing rent-geared-to-income (RGI) units by 100 within existing Assisted Housing Projects and to encourage the project sponsors to apply for additional assistance from the Province. In addition, ways in which 100 additional Rent Supplement units can be made available in Peterborough will be explored with the Ministry of Housing.

5. Government Lands

- 5.1 Under the Housing First Policy, the Province will utilize provincial properties in co-operation with the City, to support the provision of affordable housing, whether rental or ownership. The Ministry of Housing will also actively encourage other Provincial ministries and related agencies to utilize their properties for affordable or innovative housing, where appropriate.
- 5.2 City Council shall review their land holdings and request the P.U.C., Separate School Board, Board of Education, Trent University, Sir Sandford Fleming College, and churches and other religious institutions, to review their land holdings and if any lands are deemed surplus and are suitable for housing that they be:

- i) offered for sale for an initial period of two years to any groups or organization interested in constructing, operating or sponsoring an assisted, social or special need housing project; and
 - ii) if the proposed use is single family, that they be offered for a period of one year to any person or group that desires to contract or construct directly a single family dwelling or that will develop innovative and affordable housing.
- 5.3 The City of Peterborough and the Ministry of Housing will jointly request the Federal Government to review their land holdings to determine if land can be released for low cost and assisted housing.

6. Residential Intensification

- 6.1 The City of Peterborough recognizes the benefits of permitting more efficient and effective use of the existing housing stock, and vacant and under utilized land or buildings, to increase the housing stock.
- 6.2 The City of Peterborough will actively support the Ministry of Housing's intensification policy by reviewing Official Plan policies and zoning by-laws, and recommending changes to facilitate intensification. Specifically, this review will include:
- i) reduction in minimum lot dimensions and ratios;
 - ii) reduction in minimum floor area;
 - iii) review of parking standards or approaches to common parking areas; and
 - iv) revised land use designations.

6.3 Further to the encouragement of the Ministry of Housing, City Council has instructed staff to report on the criteria and undertake the necessary action to amend the zoning by-law to permit in all R.1 Districts or in specific Districts permitting single unit dwellings the development of additional living space (in addition to family) in accordance with the following:

- i) the space shall meet minimum standards, contain appropriate household facilities (cooking, sleeping) and may have a separate entrance;
- ii) the separate living area shall be created only within the limits of the building as presently constructed; and
- iii) there shall be adequate on-site parking.

6.4 The Ministry of Housing will actively encourage and support applications for funding by the City of Peterborough for housing intensification initiatives under the following programs, within twelve months from the date of this Agreement subject to appropriations by Management Board of Cabinet.

- i) Community Planning Grant Program;
- ii) Municipal Housing Statement;
- iii) Program for Renewal, Improvement, Development and Economic Revitalization (PRIDE);
- iv) Home Planning Advisory Service; and
- v) Neighbours Program.

6.5 Home Sharing Program - The City of Peterborough will jointly review with the Ministry of Housing the appropriateness of extending the Home Sharing Program to all age groups with major consideration for low-income and disadvantaged persons and will provide an interim report on the operation and direction of this program.

The Ministry of Housing will consider extending the Home Sharing Program for an additional two years, subject to acceptance of the interim report and to appropriations by Management Board of Cabinet. A target of 200 matches will be set over the next three years.

6.6 Convert-to-Rent Program - The Ministry of Housing will reserve funding for a minimum 30 Convert-to-Rent units per year for the City of Peterborough subject to appropriations by Management Board of Cabinet. Convert-to-Rent and other government programs such as Program for Renewal, Improvement, Development and Economic Revitalization (PRIDE) and the Business Improvement Area Program will be reviewed for their potential as a joint strategy for main street revitalization. The City of Peterborough will contribute to the promotion of these opportunities by:

- i) implementing reduced parking standards for residential units in the Central Business District; and
- ii) developing a guide to assist property owners to convert vacant floors above stores in the Central Business District to rental accommodations.

7. Housing Rehabilitation and Conservation

7.1 Rental Housing Protection Act - The City of Peterborough recognizes the intent of the Rental Housing Protection Act and will carefully review the impact of any application for exemption under the Act, especially on the elderly and other disadvantaged persons. The City is however, committed to actively pursuing ownership opportunities for modest-priced home ownership including condominiums.

7.2 City Council proposes to establish an Emergency Housing Repair Fund of \$10,000 per annum and pass a by-law under Section 32 of The Planning Act to provide for the following:

- i) make low interest loans available for the emergency repair of owner-occupied dwelling units to persons who have adjusted family incomes as allowed under the OHRP program except those with liquid assets of \$5,000 or more;
- ii) provide a maximum loan of \$2,500, repayable at low interest for repairs necessary to correct one or two deficiencies that present an immediate risk to the occupants due to fire, health and safety requirements; and
- iii) be administered by the Standards and Enforcement Division.

The Ministry of Housing undertakes to review the existing Ontario Home Renewal Program (OHRP), and to provide whatever assistance it can to the Emergency Repair Program.

- 7.3 The Ministry of Housing will assist the City of Peterborough in its participation in the Low-Rise Rehabilitation Program and the Ontario Home Renewal Program through the provision of advice, promotional assistance and adequate unit numbers. Target numbers will be mutually identified and reserved, at approximately 100 units per program, subject to appropriations by Management Board of Cabinet.

8. Housing for the Elderly

- 8.1 The Ministry of Housing will provide appropriate support for the City of Peterborough to promote creative and affordable housing opportunities and options for the elderly under the following programs subject to appropriations by Management Board of Cabinet.
- i) Seniors Retirement Communities Project;
 - ii) Convert-to-Rent Program;
 - iii) Innovative Housing Demonstrations proposed by other agencies, including CMHC.

- 8.2 The City of Peterborough will develop partnerships with private developers and agencies by supporting proposals and assisting in securing approvals for creative and affordable housing opportunities.

9. Regulatory Reform

- 9.1 Building Industry Liaison Forum - The City of Peterborough will continue to encourage and participate in a Building Industry Liaison Forum (B.I.L.F.) with the Province. It will work to improve the building and planning approvals process by speeding up site plan approvals, building permits and subdivision agreements by as much as 50%. It will also develop goals to improve the quality of construction.
- 9.2 The Ministry of Housing will contribute expertise to assist the City in regulatory reform and will also review the provincial approvals process in conjunction with the Ministry of Municipal Affairs.

10. Peterborough Housing Resource Centre

- 10.1 The City of Peterborough will establish a Housing Resource Centre to:
- i) assist low-income and other disadvantaged persons to secure affordable and accessible housing;
 - ii) enable information on housing programs to be more readily disseminated;
 - iii) provide an advisory and advocacy function on social and affordable housing issues;
 - iv) assist groups and individuals in the production or provision of assisted and affordable housing; and
 - v) assist in the formulation of overall direction for official plan policies, zoning bylaws and municipal housing statements.

Other services may be added to or recommended by the Resource Centre. The operation of the Housing Resource Centre will be reviewed annually by the City of Peterborough.

10.2 Funding for the Resource Centre shall be provided by:

- i) Province of Ontario - 80%, not to exceed \$60,000 annually for a period of 3 years, subject to appropriations by Management Board of Cabinet.
- ii) City of Peterborough - 10%
- iii) Other Community Sources - 10%

11. The terms of this Agreement are valid for 3 years from the date of signing. Amendments may be mutually undertaken at any time during the term of the Agreement.

12. The foregoing is the scope of the Agreement for Provincial/Municipal Housing Co-operation in the City of Peterborough and the Ontario Ministry of Housing. It is a record of the interest and commitment of both parties to increase the supply of affordable housing.

13. It is understood that this Agreement is not intended to limit in any way the on-going policies and undertakings with respect to housing and related matters between the Ministry of Housing and the City of Peterborough.

Honourable Chaviva Hosek
Minister of Housing
Province of Ontario

Sylvia Sutherland
Mayor
City of Peterborough

David W. Oakes
City Clerk

FOR ACTION

7.

REPORT TO: Mrs. S. Reeder, Secretary
Planning and Development Committee

FROM: Mr. E. Kowalski, Director
Community Development Department

DATE: 1988 September 02

COMM FILE:

DEPT FILE: 800-0608
800-0609

SUBJECT:

Crown Point West/Stipeley Neighbourhoods, next priority Programme for Renewal, Improvement, Development and Economic Revitalization (PRIDE) Project; Provision in the 1989-1993 Capital Budget, and reapplication to the Ministry of Municipal Affairs for financial assistance.

RECOMMENDATION:

- i) That, the Department of Community Development be authorized to reapply to the Ministry of Municipal Affairs, Community Renewal Branch, for matching funds under the Programme for Renewal, Improvement, Development and Economic Revitalization (PRIDE) Programme for a maximum of four hundred thousand dollars (\$400,000) to equal a total project cost of eight hundred thousand dollars (\$800,000) for the Crown Point West/Stipeley PRIDE Project, Phase II (attached map as Schedule 'A'); and

Note: Attached as Schedule 'B' is a letter to the City Clerk from the Ministry of Municipal Affairs notifying the City of Hamilton that they have been unsuccessful in receiving funds for the 1988-1989 Programme year.

E. Kowalski

FINANCIAL IMPLICATIONS:

Maximum of four hundred thousand dollars (\$400,000) Municipal contribution commencing in 1989-1993. This was previously included in 1988 to 1992 Capital Budget but will be delayed one year.

BACKGROUND:

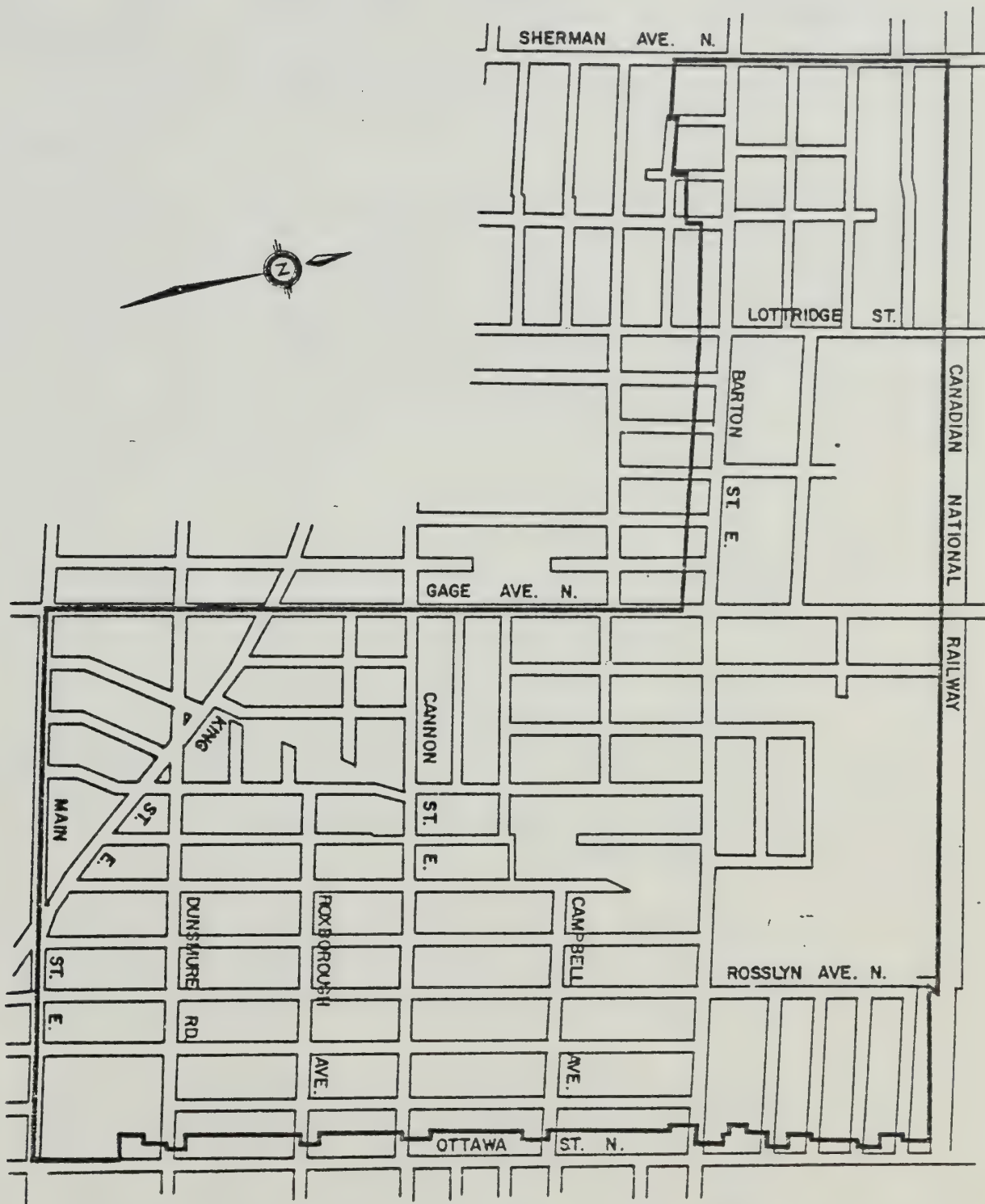
On 1987 January 27, City Council gave authorization to the Director of Community Development to make application to the Ministry of Municipal Affairs, Community Renewal Branch, for financial assistance for the Crown Point West/Stipeley PRIDE Phase I Programme. Subsequently, on 1987 July 30, the Province awarded the City of Hamilton four hundred thousand dollars (\$400,000) towards this project (50% Provincial, 50% Municipal, equalling a total of eight hundred thousand dollars (\$800,000) available for improvements). Since this allocation was much less than we had anticipated in order to carry out improvements on the residential, industrial and commercial sections of the Community Improvement Project Area, City Council again authorized the Department of Community Development to make application

for the second phase of the Project at an additional one million dollars (\$1,000,000) on 1987 September 29. This second phase will be stressing improvements to commercial and industrial sectors of the neighbourhoods, whereas, the Phase I Project focused on residential needs. The refusal letter we refer to as Schedule 'B' was subsequently received by the City Clerk's Department on 1988 August 05.

By reapplying for Provincial funding for the Crown Point West/Stipeley Community Improvement Project Area, the City of Hamilton will be delaying the Beasley/Central PRIDE Programme by one year, originally proposed to commence in 1989. This should not have severe negative impacts on these neighbourhoods.

The Ministry of Municipal Affairs, Community Renewal Branch, has just recently advised us that there is another programme where funds are available entitled PRIDE; Special Initiative to Support Residential Intensification (attached as Schedule 'C'). This programme is available to Municipalities, until 1990 only, to assist them to improve existing community services and facilities which would support residential intensification, i.e. improved sewer and water mains, new roads, sidewalks, wheelchair ramps, streetscape beautification, etc. This programme is available only to Municipalities who have carried out a housing intensification study such as the one which the Local Planning Branch of the Planning and Development Department is presently undertaking. Their results and recommendations, encompassing the entire limits of the Municipality, should be available by the Fall of 1989. It is the recommendation of the Department of Community Development that an application be made for the PRIDE Housing Intensification Programme for the Beasley/Central Neighbourhoods for the maximum one million dollars (\$1,000,000) as soon as the results of the study are available since the Programme will only be available for one more year. It is also permissible by the Ministry of Municipal Affairs that a PRIDE application be submitted simultaneously for a maximum of four hundred thousand dollars (\$400,000) Provincial contribution for residential, commercial and industrial sector improvements, therefore the Department's 1990 to 1994 Capital Budget will reflect these. As soon as these results are available, the Department of Community Development will meet with the Planning and Development Department to ascertain the appropriate improvements in the Crown Point West/Stipeley Neighbourhoods and report back to the Planning and Development Committee.

c.c. Mr. R. Prowse, Secretary, Parks and Recreation Committee
Mr. J. Pavelka, Director Public Works Department
Mr. D. Godley, Planning Department
Mr. D. Farquhar, Culture and Recreation
Mr. B. Hotrum, Treasury Department



CROWN POINT WEST/
STIPELEY
COMMUNITY IMPROVEMENT
AREA

THIS IS SCHEDULE " " TO BYLAW NO. _____

CLERK

MAYOR

Scale
N.T.S.

Reference File No.

Date
JAN., 1987

Drawing No.



Ministère des
Affaires
municipales

SKI, COMMUNITY DEVELOPMENT
Community Renewal Branch
13 - 777 Bay Street
Toronto, Ontario
M5G 2E5

585-6264

July 29, 1988

Mr. E.A. Simpson
Clerk
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Simpson:

Re: Program for Renewal, Improvement, Development and
Economic Revitalization (PRIDE)

The Ministry has now completed a review of all applications for funding under PRIDE for the 1988-89 program year. As in previous years, the municipal response to the program has been substantial, with requests far exceeding the provincial funding available for commitment.

In view of the overwhelming municipal demand, the allocation process has been difficult and we are unable to fund many worthy applications. I regret to inform you that we are unable to provide your municipality with funds this year.

I wish to advise you that the invitation for applications for the 1989-90 program year will be mailed out shortly. If your municipality decides to apply for the 1989-90 program year, the staff at the Community Renewal Branch will be pleased to assist you in any way they can.

Yours truly,

Peter Boles, M.C.I.P.
Director

RECEIVED

AUG 5 - 1968

CITY CLERKS

Aug 04/9
800-060
896-23

85. 5. 4

PROGRAM OUTLINE

PROGRAM FOR RENEWAL, IMPROVEMENT, DEVELOPMENT AND ECONOMIC REVITALIZATION

SPECIAL INITIATIVE TO SUPPORT RESIDENTIAL INTENSIFICATION

Introduction:

Residential intensification means finding ways to provide more housing from buildings that already exist or from lands that have been used for other purposes. To do this, the Ministries of Municipal Affairs and Housing have made extra funding available to municipalities to review their existing housing policies and land use regulations. The Municipal Housing Statement, Community Planning Grant, and PRIDE (Program for Renewal, Improvement, Development and Economic revitalization) programs all have been enriched to encourage municipalities to meet objectives in the Intensification Guidelines.

Description:

There are additional funds under the PRIDE program until 1990 to help municipalities who want to improve existing community services and facilities to support residential intensification by:

- sharing existing residential units
- creating new, self-contained units in existing residential buildings
- converting non-residential space to residential use; or
- redeveloping or infilling under-used lots

Eligible Areas:

Municipalities eligible for funding under PRIDE-Residential Intensification must meet usual PRIDE program requirements as well as the following:

- * the municipality has identified an area for residential intensification (through studies, official plan policy or zoning controls); and
- * municipal official plan policies or zoning provisions concerning the selected area must permit at least one of the intensification alternatives listed above. Where appropriate zoning is not in place, the official plan provisions should require that the implementing zoning be changed to permit these uses on an area-wide, not site-by-site, basis

- * one application per municipality per year; maximum \$1 million allocation
- * preference will be given to municipalities with population of more than 50,000
- * vacancy rate below 2%

Applications will be assessed on the basis of the municipality's commitment to intensification in the project area and the potential for new residential units in the area.

Eligible Items include:

capital costs of building, improving or replacing services and utilities (e.g. streets, sewers, watermains) and social and recreational facilities (e.g. parks, community centres, libraries, or parking areas);

aesthetic improvements such as streetscape upgrading, landscaping and buffers to reduce land use conflicts;

administration costs;

land and building acquisition, clearance and demolition for eligible PRIDE project components and related relocation costs

Financial Assistance:

Funding is available as a 50% grant covering the costs of eligible improvements. Applications may be submitted for individual assessment throughout the year until April 1990. Projects may be used to implement improvements recommended in studies done with Community Planning Grant funding.

Municipalities must spend funds within four years; however, accelerated payments may be considered where projects can be completed in less time.

Application Assistance:

Interested municipalities are invited to discuss their project ideas with the Housing Conservation Unit or the Community Renewal Branch.

For more information contact:

Housing Conservation Unit
Community Renewal Branch

FOR ACTION

8.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1988 October 6
COMM FILE:
DEPT FILE: 800-0608

SUBJECT: Central/Beasley Neighbourhoods, P.R.I.D.E. Housing
Intensification Funding Programme, Provision in the
1989-1993 Capital Budget.

RECOMMENDATION:

- i) That, provision be made in the 1989-1993 Capital Budget for the remaining portions of Beasley Neighbourhood and Central Neighbourhood (attached map as Schedule 'A') as the next priority Community Improvement Project Area for the purposes of making application under the Ministry of Municipal Affairs PRIDE Housing Intensification Program at a total estimated cost of two million dollars (\$2,000,000); one million dollars (\$1,000,000) Municipal and one million dollars (\$1,000,000) Provincial contributions (attached as Schedule 'B'); and,
- ii) That, the Department of Community Development be authorized to make application to the Ministry of Municipal Affairs, Community Renewal Branch, for matching funds under the PRIDE Housing Intensification Program for a maximum of one million dollars (\$1,000,000), for a total project cost of two million dollars (\$2,000,000); and,
- iii) That, a portion of Central and Beasley Neighbourhoods be designated as Community Improvement Project Areas for the purposes of implementing the Housing Intensification Programs; and,
- iv) That, the City Solicitor be authorized to prepare the necessary by-laws to implement iii) above; and,
- v) That, the Department of Community Development be authorized to prepare one Community Improvement Plan encompassing both of the above-mentioned Community Improvement Project Areas.

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Total proposed project cost of two million dollars (\$2,000,000), one million dollars (\$1,000,000) Provincial, and one million dollars (\$1,000,000) Municipal. Planning of the project to take place in 1989 at an estimated cost of fifty thousand dollars (\$50,000) with implementation spread over 1990 and 1991 at nine hundred and fifty thousand dollars (\$950,000) and one million dollars (\$1,000,000) respectively.

BACKGROUND:

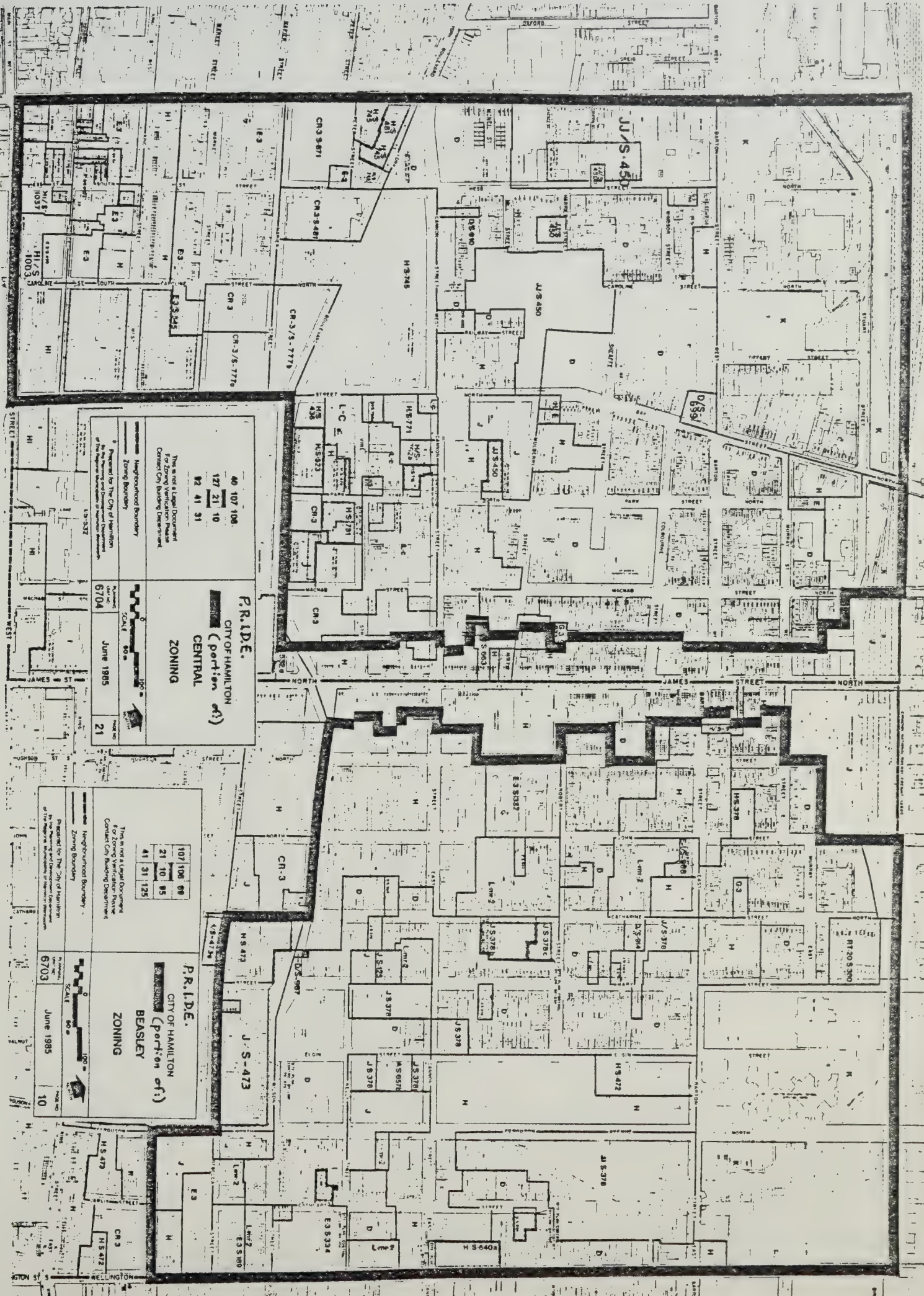
The Ministry of Municipal Affairs, in co-operation with the Ministry of Housing, is announcing a new program entitled Housing Intensification Funding Program presently available until 1989, December only, which the Community Development Department recommends we make application for in the Beasley/Central Community Improvement Project Area (the Program may be extended past 1989 but this is presently not known). This program is designed to assist municipalities to meet the ever increasing demands for Housing Intensification in Ontario. Items such as improvement of existing infrastructure to support more residential units, creation of new units, street and sidewalk beautification and land and building acquisition for demolition and clearance are eligible.

In order to be eligible for funds under this program, a City must carry out a Housing Intensification Study which the Planning and Development Department will be undertaking in 1989. Once the results are available, an application could be made to the Ministry of Municipal Affairs later in 1989.

A recommendation to the Planning and Development Committee by Community Development will also be made to include the Central/Beasley PRIDE Programme in the 1990 to 1994 Capital Budget. This project will serve as a second, different phase for renewal in the two neighbourhoods. This project, at a maximum cost of eight hundred thousand dollars (\$800,000), four hundred thousand (\$400,000) Provincial and four hundred thousand (\$400,000) Municipal, unlike the Housing Intensification Program, focuses on the Residential (Recreational and Social), Industrial and Commercial factors that are of importance to downtown neighbourhoods.

For the information of the Committee members, a letter dated 1988 July 29 from the Ministry of Municipal Affairs, Community Renewal Branch, was received by the City Clerk 1988 August 05 notifying the City of Hamilton that they had been unsuccessful in their bid for financial assistance under PRIDE for Crown Point West/Stipeley Phase II. Therefore, the Department of Community Development is requesting authorization through the Planning and Development Committee to reapply in 1988-1989 (separate recommendation). This process will delay the Beasley/Central PRIDE application by one year, but should have no serious negative impacts on either project.

c.c. Mr. R. Prowse, Parks and Recreation Committee
Mr. K. Rouff, City Solicitor, City Solicitor's Department
Mr. B. Hotrum, Treasury Department
Mr. V. Abraham, Planning and Development Department



P.R.I.D.E.
CITY OF HAMILTON
(portion of)

CENTRAL ZONING

40 107 106
127 21 10
92 41 31

This is not a Legal Document
For Zoning Purposes Please
Contact City Building Department

Map of the City of Hamilton
June 1985

Scale 1:1000

P.R.I.D.E.
CITY OF HAMILTON
(portion of)

BEASLEY ZONING

107 106 08
21 10 95
41 31 125

This is not a Legal Document
For Zoning Purposes Please
Contact City Building Department

Map of the City of Hamilton
June 1985

Scale 1:1000

PROGRAM OUTLINE

SCHEDULE 'B'

PROGRAM FOR RENEWAL, IMPROVEMENT, DEVELOPMENT AND ECONOMIC REVITALIZATION

SPECIAL INITIATIVE TO SUPPORT RESIDENTIAL INTENSIFICATION

Introduction:

Residential intensification means finding ways to provide more housing from buildings that already exist or from lands that have been used for other purposes. To do this, the Ministries of Municipal Affairs and Housing have made extra funding available to municipalities to review their existing housing policies and land use regulations. The Municipal Housing Statement, Community Planning Grant, and PRIDE (Program for Renewal, Improvement, Development and Economic revitalization) programs all have been enriched to encourage municipalities to meet objectives in the Intensification Guidelines.

Description:

There are additional funds under the PRIDE program until 1990 to help municipalities who want to improve existing community services and facilities to support residential intensification by:

- sharing existing residential units
- creating new, self-contained units in existing residential buildings
- converting non-residential space to residential use; or
- redeveloping or infilling under-used lots

Eligible Areas:

Municipalities eligible for funding under PRIDE-Residential Intensification must meet usual PRIDE program requirements as well as the following:

- * the municipality has identified an area for residential intensification (through studies, official plan policy or zoning controls); and
- * municipal official plan policies or zoning provisions concerning the selected area must permit at least one of the intensification alternatives listed above. Where appropriate zoning is not in place, the official plan provisions should require that the implementing zoning be changed to permit these uses on an area-wide, not site-by-site, basis

- * one application per municipality per year; maximum \$1 million allocation
- * preference will be given to municipalities with population of more than 50,000
- * vacancy rate below 2%

Applications will be assessed on the basis of the municipality's commitment to intensification in the project area and the potential for new residential units in the area.

Eligible Items include:

capital costs of building, improving or replacing services and utilities (e.g. streets, sewers, watermains) and social and recreational facilities (e.g. parks, community centres, libraries, or parking areas);

aesthetic improvements such as streetscape upgrading, landscaping and buffers to reduce land use conflicts;

administration costs

land and building acquisition, clearance and demolition for eligible PRIDE project components and related relocation costs

Financial Assistance:

Funding is available as a 50% grant covering the costs of eligible improvements. Applications may be submitted for individual assessment throughout the year until April 1990. Projects may be used to implement improvements recommended in studies done with Community Planning Grant funding.

Municipalities must spend funds within four years; however, accelerated payments may be considered where projects can be completed in less time.

Application Assistance:

Interested municipalities are invited to discuss their project ideas with the Housing Conservation Unit or the Community Renewal Branch.

For more information contact:

Housing Conservation Unit
Community Renewal Branch

9.

FOR ACTION

REPORT TO: MRS. S. K. REEDER, SECRETARY
PLANNING & DEVELOPMENT COMMITTEE

FROM: MR. T. BRADLEY, MANAGER
PURCHASING

DATE: 1988 September 26

COMM FILE:

DEPT FILE:

SEP 28 1988

SUBJECT: SUPPLY AND DELIVERY OF TWO (2) 1989 SUB-COMPACT VEHICLES, BUILDING
DEPARTMENT

RECOMMENDATION

That a purchase order be issued to Bay King Motors Ltd., Hamilton, in the amount of \$20,243.28 for the supply and delivery of Two (2) 1989 Sub-Compact Vehicles for the Building Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of six (6) tenders received. Funds provided in Automotive Equipment Account #0344-1072.

As delivery is six to eight weeks, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".


T. Bradley, Manager of Purchasing

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)
See above RECOMMENDATION

BACKGROUND-Tender Analysis

Bay-King Motors Ltd., Hamilton	\$20,243.28
Taylor Chrysler Dodge, Hamilton	20,686.16
Steel City Chrysler, Hamilton	21,107.36
Mohawk Ford Sales Ltd., Hamilton	21,569.6C
Eastgate Ford Sales, Hamilton	22,710.08
Gulliver Motors Ltd., Hamilton	22,952.00

F O R A C T I O N

10.

REPORT TO: S. REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER
 COMMISSIONER OF ENGINEERING

DATE: 1988 September 30
COMM FILE:
DEPT FILE: E205-05
I.D. 0246D(59)

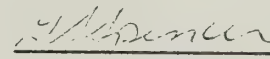
SUBJECT

Subdivision Grading.

RECOMMENDATION

That the following policy be adopted for grading standards on single and double family housing controlled by the subdivision process:

1. Definition: "Required back yard" shall mean the distance designated in the Zoning By-law.
2. The maximum slope in the back yard adjacent to the building for a distance equal to the required back yard shall be 7%, except as set out in Items 3 and 4.
3. The 7% restriction shall not apply to the sides of a swale along the sides or back of the lot, providing the total width of the swale shall not exceed one (1) metre.
4. Where the 7% restriction on the back yard grades results in elevation differences between different properties, retaining walls shall be constructed along the sides and the back of the lot. Slopes with a maximum of three horizontal to one vertical may replace the walls where the said difference in elevation is less than 0.3m.
5. There is no control on the steepness of the slopes in side yards, front yards and back yards, outside the area defined in (1) above, providing said slopes are stable for the soils of the area.
6. The retaining walls shall be located on the high lands.



G. S. Spencer
Commissioner of Engineering

BACKGROUND

A number of Aldermen have indicated that they are of the opinion that the City should expand its grading control to deal with the appearance of the required back yards. The recommendation in this report addresses this matter.

Cont'd...

- Page 2 -
September 30, 1988

Subdivision Grading

Cont'd...

The construction of the walls with heights in excess of one (1) metre is covered by existing policies. However, the style and material of walls between 0.3m and 1m would not be controlled by the City, in accordance with recommendation of the Task Force on Grading.

The contents of this report have not been discussed with the Housing Industry. Should you wish this carried out, then we recommend that this report be tabled.

~~1/~~ KAB: cab.

F O R A C T I O N

REPORT TO: SUSAN K. REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER
 COMMISSIONER OF ENGINEERING

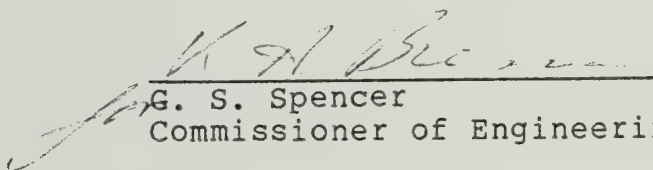
DATE: 1988 September 21
COMM FILE:
DEPT FILE: S718-53
I.D. 0246D(70)

SUBJECT

"Red Hill Manor No. 2", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

Recommendation

- a) That the Corporation of the City of Hamilton accept the sum of \$39,100.00 as cash payment in lieu of 5% dedication in connection with "Red Hill Manor No. 2", Hamilton, this being the cash requirement under Section 50 of The Planning Act.




G. S. Spencer
Commissioner of Engineering

BACKGROUND

The owners of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedures, the City and Regional staff have completed the calculations for the 5% cash payment in lieu of Parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$39,100.00.

NOTE: These lands are located east of Mount Albion Road and north of Greenhill Avenue in the Red Hill Neighbourhood, Hamilton.

 DVC:cab.

c.c. D. J. Consoli, City Treasury Department
B. Loreto, City Solicitor's Department

PLAN 62M-

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF THE MUNICIPALITY OF HAMILTON ON THE DAY OF DEPOSIT OF THIS PLAN AND ENTERED IN THE REGISTER FOR PARCEL SECTION AND REQUIRED COMMENTS AND ACCORDANTS ARE REGISTERED AS PLAN DOCUMENT N°

LAND REGISTRY FOR THE LAND TITLES DIVISION OF HAMILTON N°62

THIS PLAN COMPOSES:
PART OF PARCEL 31 2, SECTION EAST 4(C)
SUBJECT TO EASEMENT DISCLOSED IN PLAN N° 101 TO AFFECTING LOTS 15 TO 22 INCLUSIVE, ALBRIGHT ROAD

Red Hill Manor No 2

BEING A SUBDIVISION OF
PART OF LOT 31 CONCESSION 4
IN THE GEOGRAPHIC
TOWNSHIP OF SALT FLEET
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH

SCALE 1:800
SIDNEY W WOODS INC.
1988

OWNER'S CERTIFICATE

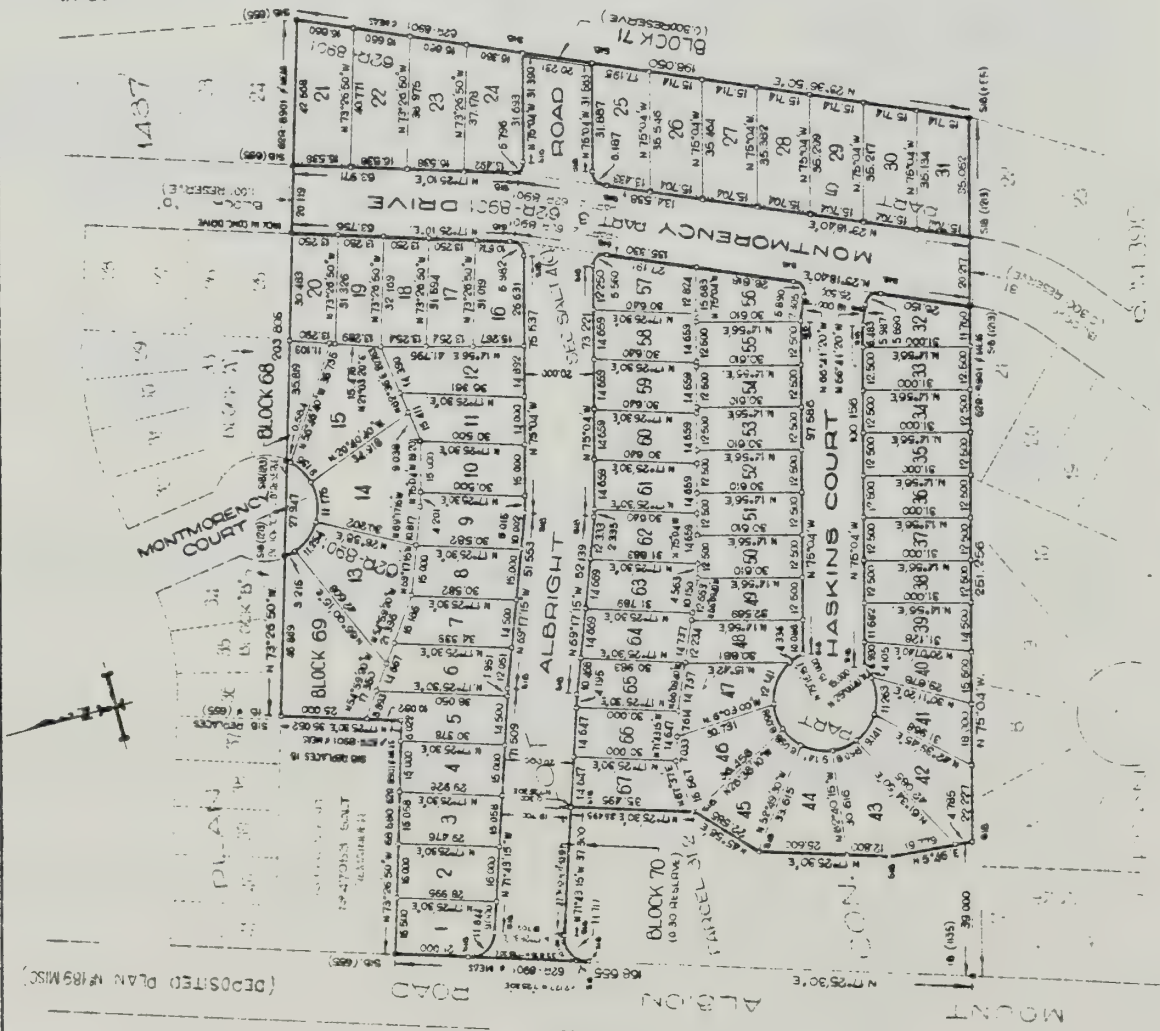
THIS IS TO CERTIFY THAT
1) LOTS 1 TO 67, BOTH INCLUSIVE, BLOCKS 69 AND 70, RED HILL MANOR, ALBRIGHT ROAD AND MONTMORENCY DRIVE, ALBRIGHT ROAD AND MONTMORENCY COURT AND 0.300 R.S. SERVES, NAD 83, BLOCKS 70 AND 71 HAVE BEEN Laid OUT IN ACCORDANCE WITH MY INSTRUCTIONS
2) THE STREETS ARE HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF HAMILTON AS PUBLIC HIGHWAYS
DATED THE 30th DAY OF JUNE 1988
JOHN DESBOROUGH INC.

John D. Hutton
JOHN D. HUTTON
REGISTERED
SURVEYOR
WE HAVE THE AUTHORITY TO SIGN THE CERTIFICATE

SIDNEY W WOODS INC.
ENGINEERS & SURVEYORS
HAMILTON ONTARIO

APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON ON THE DAY OF DEPOSIT OF THIS PLAN AND ENTERED IN THE REGISTER FOR PARCEL SECTION AND REQUIRED COMMENTS AND ACCORDANTS ARE REGISTERED AS PLAN DOCUMENT N°

REGIONAL CLERK
HAMILTON ONTARIO



METRIC
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CON-
VERTED TO FEET BY DIVIDING BY
0.3048

UNIT	ARC	CHORD	BEGINNING	RADIUS
1	11.844	10.695	N 27° 03' 55" W	7.615
2	11.264	11.000	N 30° 12' 45" W	15.240
3	11.175	10.927	N 87° 22' 30" W	15.240
4	9.136	9.000	N 89° 26' 45" W	15.240
5	5.362	5.417	N 61° 10' 35" E	3.915
6	6.796	5.187	N 28° 43' 25" W	3.915
7	6.187	5.677	N 64° 07' 20" E	4.313
8	5.680	5.300	N 27° 41' 20" W	3.750
9	4.135	4.092	N 72° 49' 45" E	16.000
10	11.263	11.000	N 77° 49' 15" W	15.000
11	9.141	9.000	N 89° 51' 15" W	15.000
12	8.794	8.000	N 65° 56' 45" W	15.000
13	8.098	8.000	N 26° 59' 40" E	15.000
14	8.098	8.000	N 53° 55' 55" E	15.000
15	8.098	8.000	N 59° 10' 10" W	15.000
16	12.141	11.812	N 50° 25' 55" W	15.000
17	2.436	4.321	N 19° 01' 45" W	15.000
18	5.630	5.303	N 68° 13' 45" E	3.750
19	5.630	4.912	N 25° 52' 30" W	3.750
20	0.544	0.584	N 41° 10' 55" E	15.240
21	3.215	3.209	N 13° 00' 50" W	15.240
22	11.717	10.571	N 62° 51' 05" E	7.989
23	10.038	9.340	N 62° 52' 55" E	7.989

LEGEND

1. ALL DIMENSIONS ARE IN METRES AND ARE TO BE USED FOR THE PURPOSES OF THE PLAN.
2. ALL DIMENSIONS ARE TO BE USED FOR THE PURPOSES OF THE PLAN.
3. ALL DIMENSIONS ARE TO BE USED FOR THE PURPOSES OF THE PLAN.
4. ALL DIMENSIONS ARE TO BE USED FOR THE PURPOSES OF THE PLAN.
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9. ALL DIMENSIONS ARE TO BE USED FOR THE PURPOSES OF THE PLAN.
10. ALL DIMENSIONS ARE TO BE USED FOR THE PURPOSES OF THE PLAN.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1) THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEY ACT AND THE LAND TITLES ACT AND THE DISTANCES SHOWN ON THIS PLAN ARE THE DISTANCES MADE THEREON.
2) THE SURVEY WAS COMPLETED ON THE 9th DAY OF MARCH, 1988

John D. Hutton
JOHN D. HUTTON
REGISTERED
SURVEYOR
HAMILTON ONTARIO

FOR ACTION

12.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1988 SEPTEMBER 28
COMM FILE:
DEPT FILES: SA-88-12
25T-88017

SUBJECT

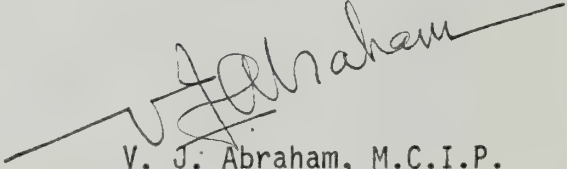
Proposed Draft Plan of Subdivision "Bartonville Court".

RECOMMENDATION

- a) That approval be given to Application SA-88-12, Effort Trust c/o A. Weisz, owner, to establish a draft plan of subdivision east of Kenilworth Avenue South and north of King Street, subject to the following conditions:
1. That this approval apply to the plan proposed by MacKay, MacKay and Peters Limited, dated May 16, 1988, revised to show 16 lots, Block "17", as a 0.3m reserve, Block "18" as a widening, and a cul-de-sac.
 2. That the street be dedicated as public highways on the final plan.
 3. That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 4. That the final plan conform with the Zoning By-law approved under The Planning Act.
 5. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 8. That Block "18" be conveyed to the City of Hamilton, for roadway purposes.
 9. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 10. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
 11. That Block "17" be conveyed to the Regional Municipality of Hamilton-Wentworth as a 0.3m reserve.
- b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-12), Effort Trust, c/o A. Weisz owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


V. J. Abraham, M.C.I.P.
Director
Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

Effort Trust, c/o A. Weisz, Hamilton, Ontario

Agent

MacKay, MacKay and Peters, Hamilton, Ontario

Surveyor

MacKay, MacKay and Peters, Hamilton, Ontario

Location

The lands, comprising 0.936 acres, are located east of Kenilworth Street South and north of King Street, in the Bartonville Neighbourhood, City of Hamilton.

Proposal

The owner proposes to subdivide the land for 16 lots for single-family dwellings. The minimum lot size proposed has a width of 12.19 m and an approximate area of 366m².

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

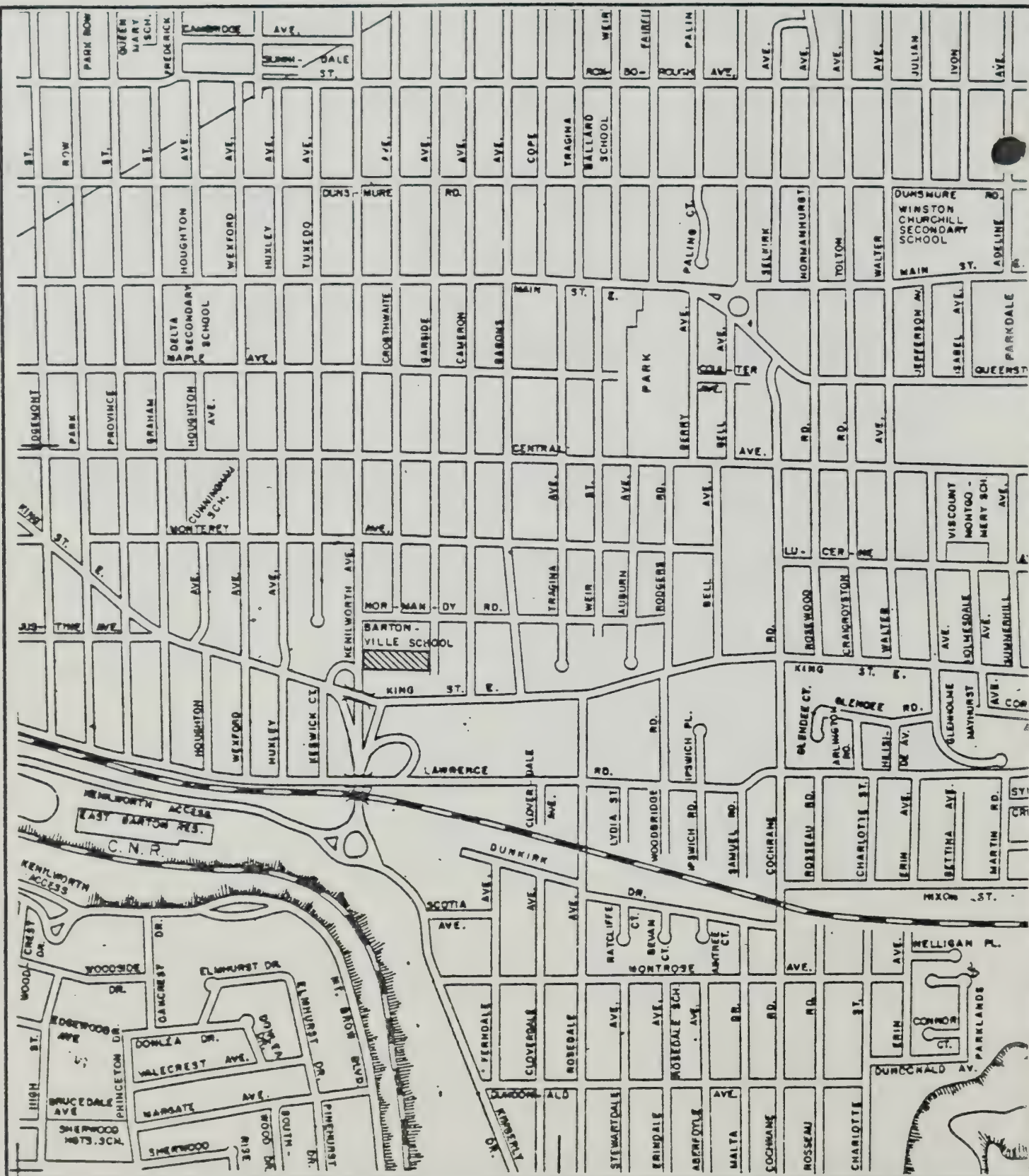
City of Hamilton Official Plan and Zoning - the lands are designated "Open Space", and since the lands are zoned "C" (Urban Protected Residential, etc) District, the zoning permits the proposal. It is intended that a redesignation of the site to "Residential" will occur during the annual Housekeeping Amendment to the Official Plan which is now under preparation.

Niagara Escarpment Commission - the lands are not within the Development Control Area, therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs;
Ministry of Transportation;
Ministry of the Environment (subject to standard noise conditions for Lots 8 and 9;
Ministry of Natural Resources;
Ministry of Culture and Communications;
Hamilton Region Conservation Authority;
Ontario Hydro, Union Gas, Bell Telephone;
City of Hamilton Board of Education;
Hamilton-Wentworth Separate School Board;
City Traffic Department;
City Building Department.



Location Plan For

BEING

PART OF LOT 38

REGISTERED PLAN No 805

AND

PART OF LOT 2

CONCESSION 3

FORMERLY IN THE TOWNSHIP OF BARTON
NOW IN THE

CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION



North

Scale

$$1'' = 1000'$$

Date _____

JUNE 7, 1988

Reference File No.

25T-88017

Drawing No.

FOR ACTION

13.

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

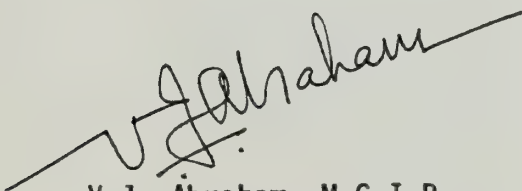
DATE: 1988 September 13
COMM FILE:
DEPT. FILE: P5-4-44

SUBJECT:

Toronto City Council proposal for a land speculation tax.

RECOMMENDATION

That the Planning and Development Committee take no action on a position regarding a land speculation tax, as it is premature, until such time that the Province indicates a willingness to, and introduces a policy statement on the matter.


V.J. Abraham, M.C.I.P.
Director of Local Planning


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

In a letter to the Chairman of the Planning and Development Committee, Mr. Marce' Mongeon of John Dydzak Enterprises Ltd. raised his concerns with the City of Toronto's request to the Province to introduce a land speculation tax (see attached letter). Mr. Mongeon is bringing to Council's attention the direction that the City of Toronto is pursuing with respect to housing matters. He requests that Hamilton City Council:

- o pass a resolution urging the Province not to impose a province-wide land speculation tax.

The land speculation tax, as proposed by Toronto, would apply to all non-owner occupied residential sales (including apartment buildings) at a rate of 65% of the capital gains, less the annual rate of inflation. The intent of this tax would be to stabilize housing prices in Metropolitan Toronto.

Premier Peterson, in a letter responding to the City of Toronto's request (see attached) is reluctant to introduce such a tax for the following reasons:

1. the difficulty of determining to what extent has speculation been major factor in the rapid increase in rising house prices;
2. significant problems with administration of the tax; and,
3. the tax alone would not alleviate the affordability problem.

Based on the preliminary comments from Premier Peterson, it is unlikely that the Province will introduce a land speculation tax at this time.

CONCLUSION

Given the Province's reluctance to deal with the issue of land speculation, it would be premature for City Council to enact a resolution respecting the issue. If and when the provincial government introduces a policy paper on a land speculation tax or demonstrates its intention to do so, the City of Hamilton would then be in a better position to respond to the specifics of the taxation proposal, rather than dealing with a vague request.

JH:CS
0330P

(Council Action May 16, 17 and 20, 1988)

Council amended this Clause by adding at the end thereof the following:

"It is recommended:

1. That the Province of Ontario be requested to implement a land speculation tax which would be applied to all non-owner-occupied residential sales (including apartment buildings) at a rate of 65% of the capital gain, less the annual rate of inflation;
2. That all revenues so derived be used to build and/or renovate affordable non-profit housing within the municipality which generated the revenues (to be known as the Housing Action Fund);
3. That this Housing Action Fund be over and above existing and planned programs funded through general revenues;
4. That should the Province not be prepared to administer this program, it be requested to grant the necessary powers to implement these goals at a local and/or regional municipal level, and
5. That City Council approach the Province about freeing up lands for the construction of housing in the City as quickly as possible".

- 3 -

Thank you for sharing Council's views with
me.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David Peterson', with a stylized, elongated flourish at the end.

David Peterson

• Mr. Roy V. Henderson
City Clerk
Department of the City Clerk
City Hall
Toronto, Ontario
M5H 2N2

cc: Honourable Chaviva Hosek
Minister of Housing

JOHN DYDZAK ENTERPRISES LIMITED

400 EAST 42ND STREET

SUITE 108

HAMILTON, ONTARIO

L8T 3B1

PHONE 385-1403

June 9, 1988

Alderman John Smith, Chairman
Planning and Development Committee
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8P 1H4

Dear Alderman Smith:

Re: Toronto City Council Proposal for a Land Speculation Tax

I am writing this letter to you so that it might be included on an agenda of the Planning and Development Committee for their consideration.

As recently reported in The Globe & Mail (Monday, May 23), the City Council of Toronto has passed a resolution urging the Ontario government introduce a province-wide Land Speculation Tax. The Speculation Tax proposed would be "slapped on... non-owner-occupied residential sales and apartment buildings". The purpose of my letter is to bring this to the attention of the Planning and Development Committee of the City of Hamilton and to suggest that such a resolution should not be passed by the City Council of the City of Hamilton. In fact, I would propose that the Hamilton City Council pass a resolution urging the province not to impose such a province-wide tax.

I base my proposal on the following:

The request for a province-wide tax stems from the particular situation which is occurring with land values in the Municipality of Metropolitan Toronto. Hamilton and, for that matter, the other municipalities comprising the Regional Municipality of Hamilton-Wentworth, have not experienced the sky-rocketing house prices occurring in Toronto. The same holds true for other municipalities in the province outside of Toronto; speculation is not a major factor in the increase of



house prices in these municipalities. Therefore, the suggestion of this type of tax would be to try and address a Toronto problem with province-wide legislation. Although this tax might help values in Toronto, it could seriously affect municipalities outside of Toronto.

A good example of similar legislation which has been introduced by the provincial government with province-wide force to deal with a local Toronto problem is the Rental Housing Protection Act. This act has prevented conversions of existing rental apartments to other uses. It will be remembered, with respect to the Rental Housing Protection Act, that the City Council of the City of Hamilton requested and was denied an exemption for the City under this act. The request was based on the view by our City that the Act was introduced to deal with a Toronto versus a province-wide problem.

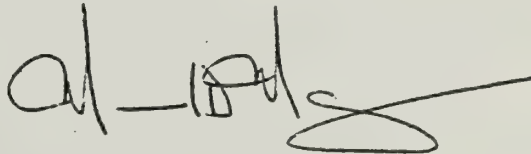
Ontario has already had a taste of a land speculation tax. Although province-wide, the tax most seriously affected municipalities outside of Toronto. After the introduction of this Act in 1974, development just about came to a grinding halt in municipalities such as our own. Although the proposed Speculation Tax would only apply to residential properties and thus development of commercial properties might not be affected, I would submit that it is in fact residential development that the City of Hamilton so desperately needs. With vacancy rates of less than one-half of one percent, it is clear that more residential property needs to be developed in Hamilton. The imposition of a tax such as that proposed would be a large disincentive for someone to develop residential properties. Land developers would seek to avoid such a tax by concentrating on the development of industrial and commercial properties.

Finally, I would like to comment on the applicability of this tax to apartment building sales. There is no question that the value at which apartment buildings have been changing hands in Hamilton and elsewhere has been steadily increasing. These increases in Toronto have particularly been criticized by opposition parties in the Ontario Legislature. The criticism stems from the fact that these increased prices can sometimes lead to increased rents through the provisions of the Rent Review legislation. The purpose for including apartment buildings under this Speculation Tax would be to hold down these units' resale values and, therefore, hold down rent increases. I would suggest that by imposing a speculation tax, the real problem, which is the Rent Control System, is not being addressed.

The imposition of a speculation tax on resales of apartment buildings would also lead to a drop in the levels of maintenance in many buildings owned by speculators. Although the effect on an apartment owner who intends to own apartment units in the long term, such as my own company, would be negligible, a speculator seeking to maximize his return in as short a period as possible would seek a method of neutralizing the effect of a speculation tax on his profits. Since a speculator intends to own an apartment building for only a short time, the level of maintenance in such a building is to begin with already low. If that speculator then is seeking a means to somehow recoup the amount to be paid out in tax, it would be obvious that the first thing to be cut would be the remaining amount of maintenance. Therefore, instead of helping tenants by keeping rent increases lower, any tenant in a building owned by a speculator would be disadvantaged by the cut in maintenances and services.

To conclude, I would urge the City Council to pass a resolution that such a speculation tax not be implemented. Although the City of Toronto might feel that such a speculation tax is needed to solve problems which are particular to Toronto, the imposition of such a tax would seriously affect the development of new housing in Hamilton.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'M. Mongeon', with a long horizontal flourish extending to the right.

Marcel D. Mongeon

MDM/jt

cc: Mr. Wm Sears
Mayor R. Morrow

FOR ACTION

14.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 September 22
COMM FILE:
DEPT. FILE: ZA-88-61
TEMPLEMEAD NEIGHBOURHOOD

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District. Property located at No. 1446 Upper Ottawa Street.

RECOMMENDATION

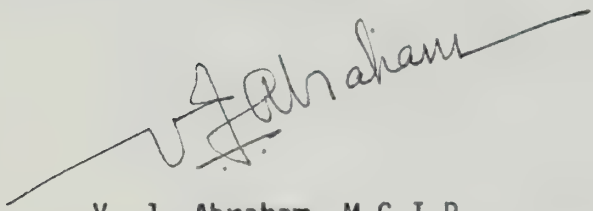
That approval be given to Zoning Application ZA-88-61, Janet and Jack Tarbutt, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located on the west side of Upper Ottawa Street, south of Turnbridge Crescent, municipally known as No. 1446 Upper Ottawa Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

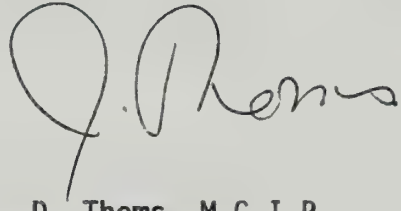
- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District map E-49D for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- iv) That the Templemead Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to a "Single and Double" residential land use designation.

EXPLANATORY NOTE

The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located on the west side of Upper Ottawa Street, south of Turnbridge Crescent, municipally known as No. 1446 Upper Ottawa Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit development of the subject lands for single-family dwellings.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

It is the applicant's intention to rezone the subject lands from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, and to subdivide the lands into single-family building lots.

APPLICANT

Janet and Jack Tarbutt, owners.

LOT SIZE AND AREA

- 36.605 m (120.0 ft.) of lot frontage on Upper Ottawa Street;
- 76.201 m (250.0 ft.) of lot depth; and,
- 2,789.33 m² (30,025 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-family dwelling	"AA (Agricultural) District
<u>Surrounding Lands</u>		
To the north	Townhouse development	"RT-20" (Townhouse Maisonette) District
To the south	Single-family dwellings	"B-1" (Suburban, Agriculture - Residential, etc.) District

To the east	Vacant lands	"M-12" (Prestige Industrial) District
To the west	Vacant land	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Attached Housing" on the approved Templemead Neighbourhood Plan, the proposal does not comply. The proposal would require redesignation of the subject lands from "Attached Housing" to a "Single and Double" residential use.

COMMENTS RECEIVED

- The Building Department and the Hamilton Region Conservation Authority have no comments or objections.
- The Traffic Department has advised that the subject lands are designated for "Attached Housing" and they suggest, "that the applicant consider a land assembly to provide for a comprehensive development of these and adjacent properties".
- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains, as well as separate storm and sanitary sewers, are available to service the subject lands.

The designated road allowance width of Upper Ottawa Street is 30.48 m (100 ft.). We recommend, as a condition of approval, that sufficient lands be dedicated to the Region to establish the property line at 15.24 m (50 ft.) from the centre line of the original Upper Ottawa Street road allowance. This can be taken on the severance, if such is required.

Any works within the Upper Ottawa Street road allowances, as widened, must conform to the Region's Roads Use By-law.

It is our understanding that this rezoning will be followed by a Land Severance Application severing the subject lands into lots in accordance with the Zoning By-law. There is a slight vertical crest curve on this section of Upper Ottawa Street and at such time as the Land Severances are submitted, we will make specific recommendations with respect to driveway locations, sight distances, etc.

According to the approved Templemead Neighbourhood Plan, the subject lands are designated for attached housing, etc. We therefore suggest that the intent of the Plan be maintained, or the Plan should be amended by the appropriate Committee and Council."

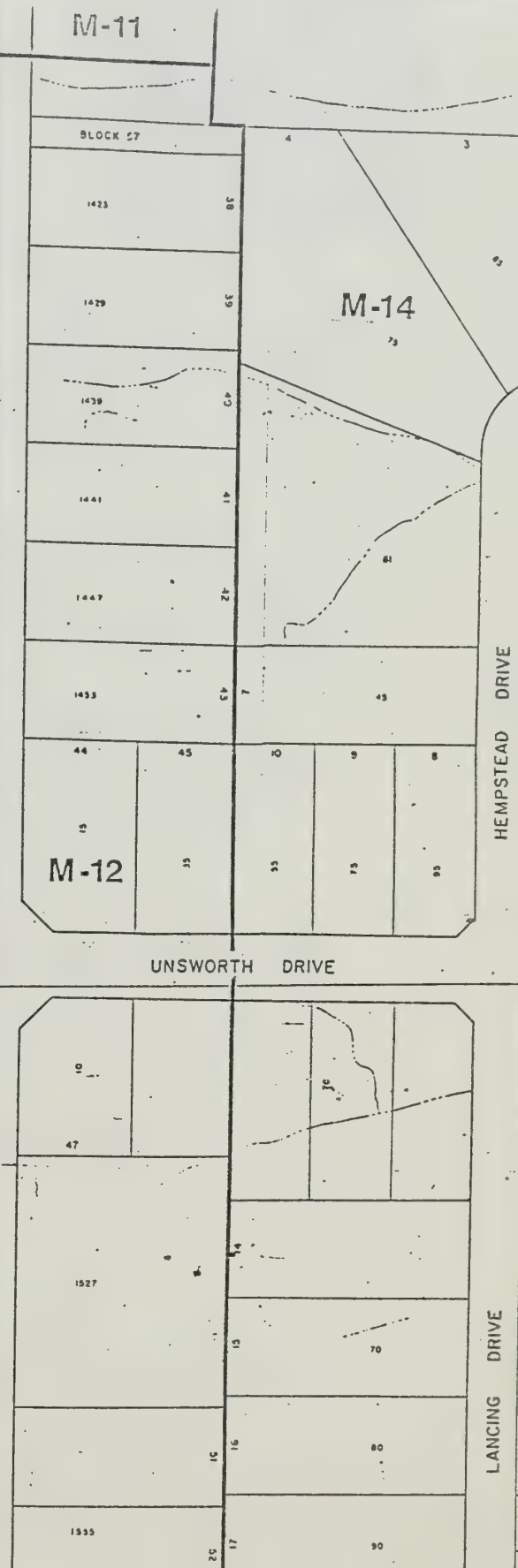
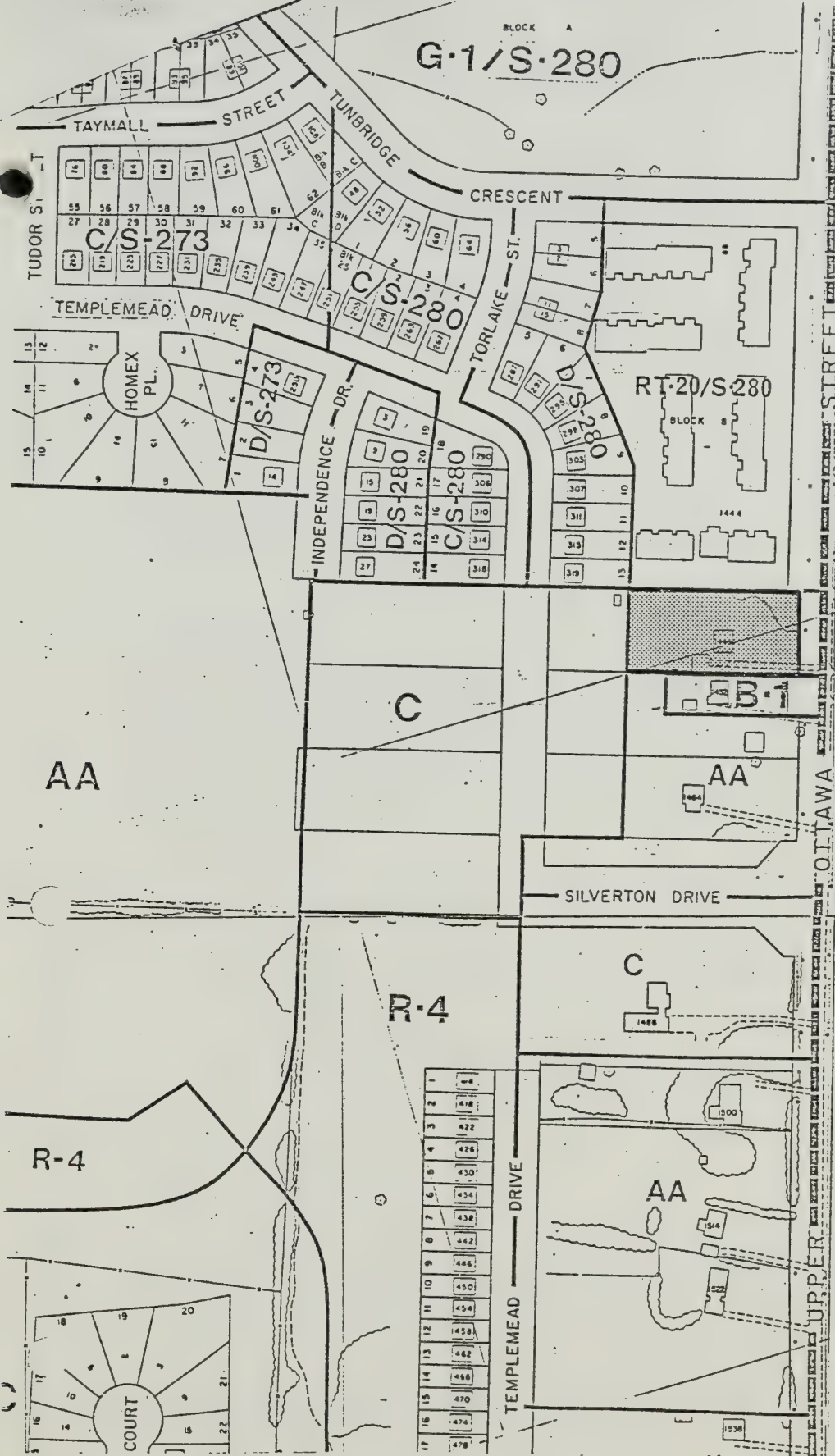
COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal would require an amendment to the approved Templemead Neighbourhood Plan to redesignate the subject lands from "Attached Housing" to a "Single and Double" residential use.
3. The proposal has merit and can be supported for the following reasons:
 - the proposed single-family development would be compatible with existing and proposed development comprised of townhousing to the north and single-family development to the south and west;
 - City Council are on record of supporting similar applications to permit small lot single family development on lands further to the south between Templemead Drive and Upper Ottawa Street in the area north of Everest Street;
 - the proposal would not interfere with the orderly development of the approved Templemead Neighbourhood Plan;
 - the property has sufficient lot frontage and area to meet with the requested "C" District regulations.

CONCLUSION

On the basis of the foregoing, the proposal can be supported.

GW:CS
0330P



Legend



Site of the Application

↑
ZA-88-61

FOR ACTION

15.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 October
COMM FILE:
DEPT. FILE: ZA-88-63
CRERAR NEIGHBOURHOOD

SUBJECT:

Request for a change-in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District - Vacant lands located in the area west of Upper Wentworth Street and north of Stone Church Road East.

Recommendation

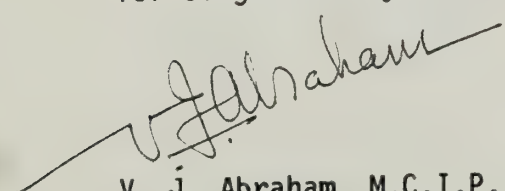
That approval be given to Zoning Application ZA-88-63, Westmount Homes, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located on the west side of Upper Wentworth Street in the area north of Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council.
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located on the west side of Upper Wentworth Street in the area north of Stone Church Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit development of the subject lands for single-family dwellings.


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicant's intention to develop the subject lands for the purpose of establishing single-family dwelling lots.

APPLICANT

Westmount Homes, owner.

LOT SIZE AND AREA

An irregular shaped parcel of vacant land having frontage onto Upper Wentworth Street via a 10.05 m (33.0 ft.) right-of-way, and having

- 38.1 m (125.0 ft.) of frontage to a future cul-de-sac out to Upper Wentworth Street; and,
- 4,856.0 m² (52,272 sq. ft.) of lot area (irregular).

LAND USE AND ZONING

<u>Existing Zoning</u>		<u>Existing Land Use</u>
<u>Subject Lands</u>	Vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
To the north	Vacant	"C" (Urban Protected Residential, etc.) District
To the south	Vacant	"AA" (Agricultural) District
To the east	Vacant lands and a single-family dwelling	"AA" (Agricultural) District
To the west	Vacant lands and a private school	"AA" (Agricultural) District

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential use on the approved Crerar Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- o The Building Department, Traffic Department, Hamilton Region Conservation Authority and The Local Architectural Conservation Advisory Committee staff have no comments or objections.

- o The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains as well as separate storm and sanitary sewers are available to service the subject lands. For the information of the applicant, be advised that the recovery of the cost of services (Aquila Place) will be required at the severance or development stage.

Upon acquisition by the City of lands shown as Part 2 on Plan 62R-5631, the City will incorporate the lands shown as Part 1 on Plan 62R-9645 into Aquila Place road allowance. Part 2 of Plan 62R-9645 will be a one-foot reserve adjacent to the remaining lands. We require that the City receive title to Part 2 on Plan 62R-5631 and that the applicant/owner lift the one foot reserve known as Part 2."

COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal complies with the approved Crerar Neighbourhood Plan.
3. The proposal can be supported for the following reasons:
 - i) it complies with the intent of both the Official Plan and the Crerar Neighbourhood Plan.
 - ii) it would be compatible with existing and future development contemplated at this location.
 - iii) the proposed development will not interfere with the orderly development of the Crerar Neighbourhood.
 - iv) development of the subject lands will be in accordance with land severance applications (H-170-88, H-171-88 and H-172-88) which will be considered by the Division Committee at its meeting to be held on October 18, 1988 (see APPENDIX 'B' attached).

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW/nd
WP 0022P

DATE: SEPT. 27, 1988

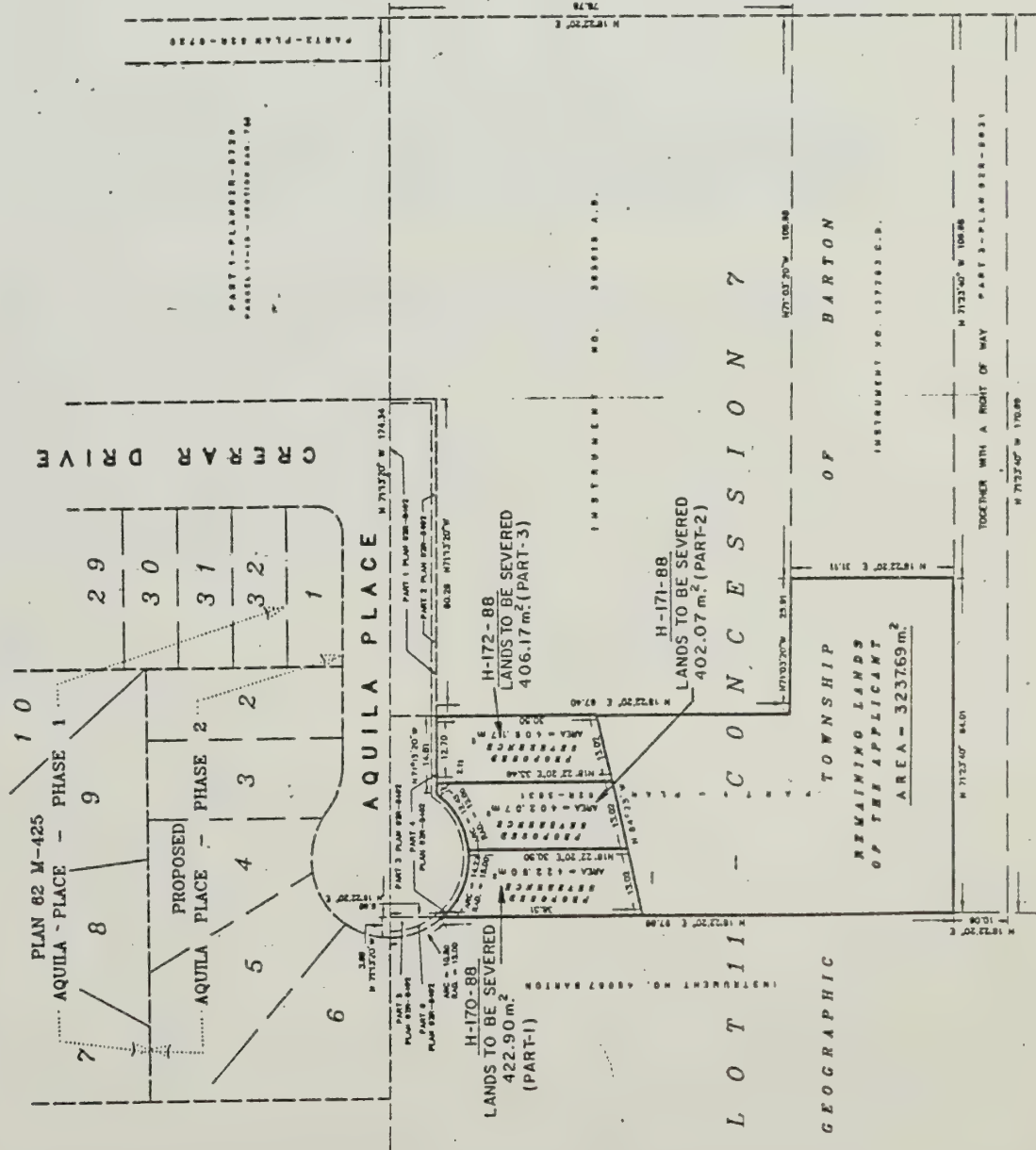
NOTE:
THIS PLAN IS PREPARED TO ACCOMPANY AN APPLICATION
TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT
OF SURVEY AND IS NOT INTENDED FOR REGISTRATION

0.17

A. J. CLARKE & ASSOCIATES LTD.
ENGINEERS AND SURVEYORS
HAMILTON - ONTARIO



P E R W E N T W O R T H S T R E E T
(TO LIMERIDGE RD. E.) —



GEOGRAPHIC

L. O. T. 111

CONFESSIO N 7

OF
BARTON

000876U MAY 90 . 137202Z . B .

2123.40° W 108.98° W
 2123.40° W 108.98° W

$$\frac{170.00}{205.50} = 0.827$$

TOWNSHIP
REMAINING LANDS
OF THE APPLICANT

212540 84.01

TOGETHER WITH A RIGHT OF WAY
PART 3-PLAN 920-0031

$$\frac{170.00}{205.50} = 0.827$$

APPENDIX B :

FOR ACTION

16.

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 September 30
COMM FILE:
DEPT. FILE: ZA-88-21
NASHVILLE NEIGHBOURHOOD

SUBJECT:

Request for a further modification to the "JJ" (Restricted Light and Limited Heavy Industry) District - No. 2289 Barton Street East - to permit additional commercial uses which otherwise are prohibited.

RECOMMENDATION

That approval be given to an Amended Zoning Application 88-21, 373272 Ontario Limited, owner, for a modification to the established "JJ" (Restricted Light and Limited Heavy Industry) District, for property at No. 2289 Barton Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- a) That the "JJ" (Restricted Light and Limited Heavy Industry) District regulations as contained in Section 16A of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as a special requirements:
- i) That in addition to the uses permitted in Section 16A (1) of By-law No. 6593, the following uses shall be permitted within the existing building with a maximum retail sales area of 50% of the total gross floor area:

<u>Use</u>	<u>S.I.C. Identification</u>
Second-hand Merchandise Stores	6591
Tire, Battery, Parts and Accessories Stores	6342
Muffler Replacement Shops	6353
Other Motor Vehicle Repair Shops	6359
Automobile and Truck Rental and Leasing Services	9921
Janitorial Services	9953

Computer Services	7721
Household Furniture Stores (with appliances and furnishings)	6211
Household Furniture Stores (without appliances and furnishings)	6212
Appliance, Television, Radio and Stereo Store	6221
Floor Covering Stores	6231
Drapery Stores	6232
Industrial Machinery and Equipment Rental and Leasing	9919
Office and Store Machinery, Equipment and Supplies, Wholesale	5791

- ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map E-103 be notated S- ;
- iii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

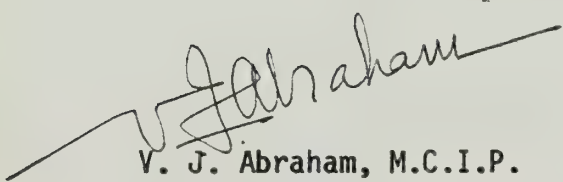
EXPLANATORY NOTE

The purpose of this by-law is to provide for modifications to the "JJ" (Restricted Light and Limited Heavy Industry) District regulations applicable to property located at No. 2289 Barton Street East, as shown on the attached map marked as APPENDIX "A".

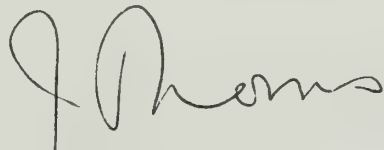
The effect of the by-law is to permit the following additional commercial uses with a maximum retail sales area of 50% of the total gross floor area within the existing building:

<u>Use</u>	<u>S.I.C. Identification</u>
Second Hand Merchandise Store	6591
Tire, Battery, Parts and Accessories Store	6342
Muffler Replacement Shop	6353
Other Motor Vehicle Repair Shop	6359

Automobile and Truck Rental and Leasing Service	9921
Janitorial Services	7721
Household Furniture Store (with appliances and furnishings)	6211
Household Furniture Store (without appliances and furnishings)	6231
Appliance, Television, Radio and Stereo Store	6232
Industrial Machinery and Equipment Rental and Leasing	9919
Office and Store Machinery, Equipment and Supplies, Wholesale	5791



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

Previous By-law Variances

By-law 76-68

At its meeting held on March 9, 1976, City Council passed By-law 76-68 which implemented a modification to the "JJ" (Restricted Light and Limited Heavy Industry) District regulations applicable to the subject lands to permit the following additional uses:

- i) a public hall;
- ii) the gross floor area of the public hall shall not exceed 30% of the gross floor area of the building on the land at the date of passing of the by-law.

By-law 80-84

At its meeting held on March 11, 198, City Council passed By-law 80-84 to amend By-law 76-68, which provides for a further modification to the "JJ" (Restricted Light and Limited Heavy Industry) District regulations applicable to the subject lands to permit the following additional uses:

- i) a rifle range;
- ii) an archery range; and,
- iii) a theatre with accessory storage and office space.

Current Application

It is the applicant's intent to further expand the list of permitted uses. In this regard, the applicant, through discussions with the Planning and Development Department staff, agreed upon the following list of additional uses.

- Used furniture and repair store;
- Automobile supply (wholesale/retail with warehousing);
- Muffler shop;
- Other motor vehicle repair shop;
- Automobile/Truck Rental and Leasing;
- Janitorial Service;
- Computer Warehouse with or without Computer Store;
- Large appliances (sales and warehousing);
- Flooring, tiles, carpeting and draperies (sales with warehousing);
- Industrial Machines (sales/leasing);
- Printing and Publishing Equipment (sales/leasing).

APPLICANT

373272 Ontario Limited, owner.

LOT SIZE AND AREA

- 91.44 m (300.0 ft.) of lot frontage on Barton Street East;
- 141.12 m (463.0 ft.) of lot depth; and,
- 12,909.04 m² (138,956.4 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Banquet hall and rental space	"JJ" (Restricted Light and Limited Heavy Industry) District, modified
<u>Surrounding Lands</u>		
To the north	Industrial uses	"JJ" (Restricted Light and Limited Heavy Industry) District
To the south	Eastlawn Cemetery and townhouse development	"AA" (Agricultural) District and "DE" (Low Density Multiple Dwellings) District
To the east	Industrial (transport terminal)	"JJ" (Restricted Light and Limited Heavy Industry) District
To the west	Industrial (U-Haul)	"JJ" (Restricted Light and Limited Heavy Industry) District

OFFICIAL PLAN

Designated for "Industrial" use on Schedule "A" - Land Use Concept Plan of the Official Plan, and located with "SPECIAL POLICY AREA 11" on Schedule "B" of the Official Plan, the proposal would not conflict.

NEIGHBOURHOOD PLAN

A neighbourhood plan is not available for the Nashdale Neighbourhood.

COMMENTS RECEIVED

- The Building Department, the Traffic Department, Hamilton Region Conservation Authority, the Local Architectural Conservation Advisory Committee staff have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains, as well as separate storm and sanitary sewers, are available to service the subject lands.

We do not anticipate any further road allowance widenings at this time. Any works within the Barton Street road allowance must conform to the Region's Roads Use By-law.

Comments should be obtained from the City Traffic Department with respect to access, sight distances, etc."

COMMENTS

1. On the basis that the proposed uses either compliment or operate as subsidiary functions to the Industrial area, the proposal complies with the Official Plan.
2. As a result of discussions with the applicant, it was agreed to proceed with an amended application providing for a "short list" of uses which complement or operate as subsidiary functions to the industrial area, and which limit the retail sales area to a maximum of 50% of the total gross floor area. These uses include the following:

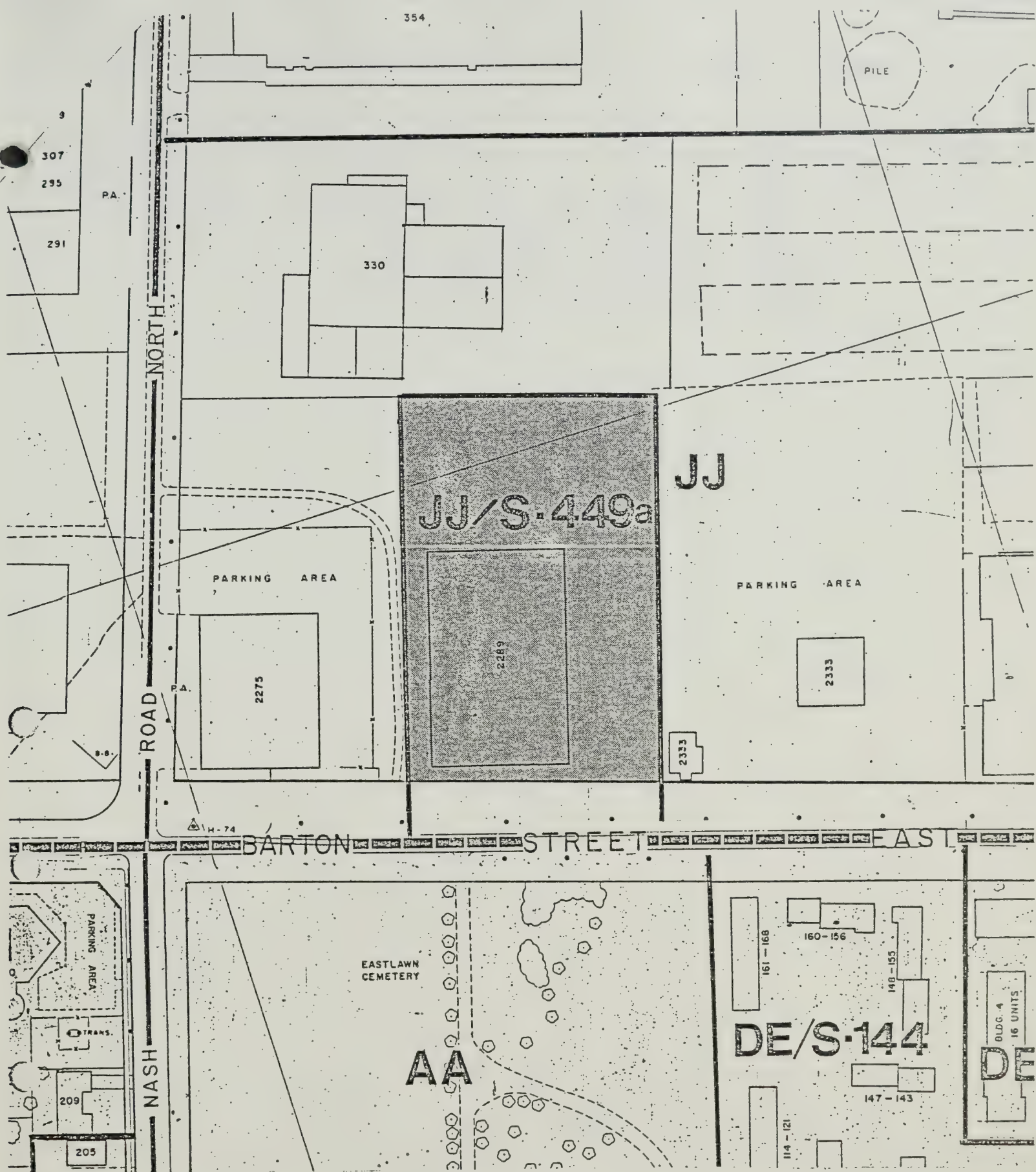
<u>Use</u>	<u>S.I.C. Identification</u>
Second Hand Merchandise Store	6591
Tire, Battery, Parts and Accessories Store	6342
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Household Furniture Store (with Appliances and Furnishings)	6211

<u>Use</u>	<u>S.I.C. Identification</u>
Household Furniture Store (without Appliances and Furnishings)	6212
Appliance, Television, Radio and Stereo Store	6221
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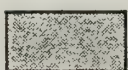
CONCLUSION

An amended application to permit commercial uses which complement or serve the needs of the industrial park can be supported.

GAW:CS
Attach.
0330P



Legend



Site of the Application



DRAFT PLAN OF SUBDIVISION OF

BEING
PART OF LOT 38
REGISTERED PLAN NO 806
AND
PART OF LOT 2
CONCESSION 3
FORMERLY IN THE TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WENI WORTH

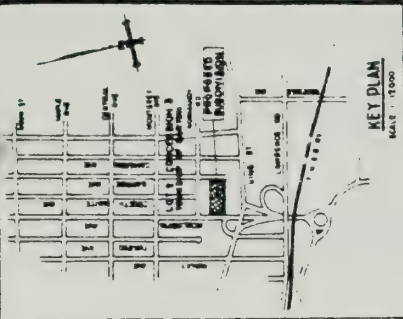
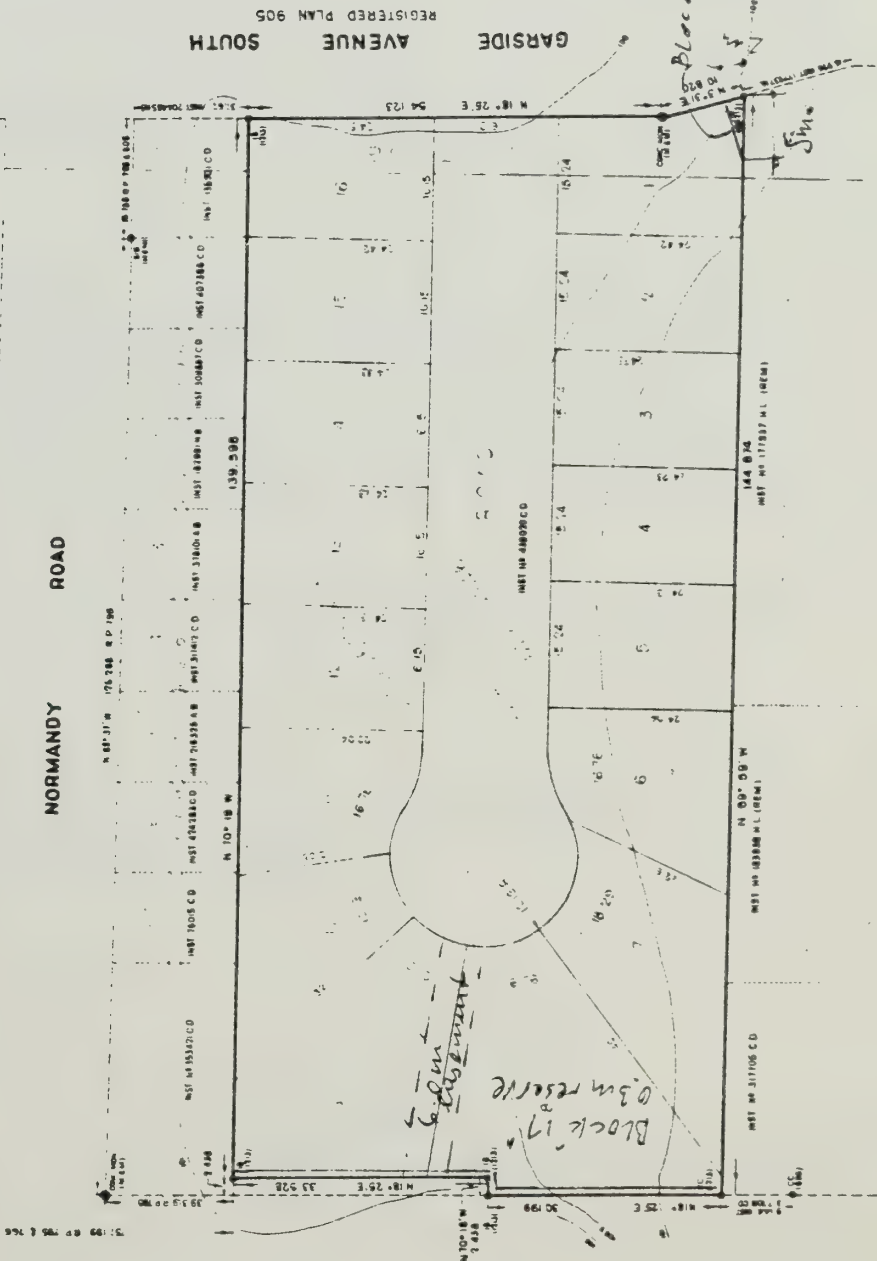
SCALE 1:400

MAIN STREET EAST
ROAD ALLOWANCE BETWEEN CONCESSIONS 2 AND 3

NEW FORMER
LOT 2 CONJ

NORMANDY ROAD

KENILWORTH AVENUE SOUTH
ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 1 AND 2



KEY PLAN
SCALE 1:1000

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN
BE CONVERTED TO FEET BY DIVIDING BY 0.3048

BEARINGS ARE ASTROMONIC AND ARE DEFERRED TO THE
EASTERN LIMIT OF KENILWORTH AVENUE BEING N 18° 28' E
ACCORDING TO REGISTERED PLAN 786

REQUIREMENTS OF THE PLANNING ACT, 1983
CHAPTER I, SUBSECTION 50-(2)

- A SEE PLAN
- B SEE PLAN
- C SEE PLAN
- D SINGLE FAMILY RESIDENTIAL
- E RESIDENTIAL AND RECREATIONAL
- F SEE PLAN
- G SEE PLAN
- H WATER AVAILABLE
- I CLAY LOAM
- J SEE PLAN
- K ALL SERVICES AVAILABLE
- L SEE PLAN

OWNER'S CERTIFICATE

I HEREBY AUTHORIZE MCKAY, MCKAY & PETERS LIMITED
TO SUBMIT THIS PROPOSED PLAN OF SUBDIVISION TO THE
COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON
WENI WORTH FOR APPROVAL
DATED AT HAMILTON, ONTARIO
THIS 16TH DAY OF MAY 1988

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS
TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO ADJACENT
LANDS ARE ACCURATELY AND CORRECTLY SHOWN
DATED AT HAMILTON, ONTARIO
THIS 16TH DAY OF MAY 1988

J. DAVID PETERS
ONTOARIO LAND SURVEYOR

MCKAY, MCKAY & PETERS
LIMITED

SUITE 204, LARCH ROAD BUILDING
IN HURON STREET, HAMILTON
HAMILTON, ONTARIO L8N 1G1

25T-88017 (Revised)

F O R A C T I O N

17.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

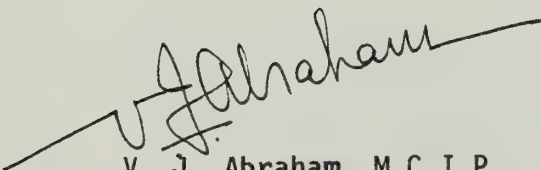
DATE: 1988 September 26
COMM FILE:
DEPT. FILE: ZA-88-35
 Rushdale
 Neighbourhood

SUBJECT:

An application requesting a change in zoning - northwest corner of Stone Church Road East and Upper Sherman Avenue.

RECOMMENDATION

- (a) That Zoning Application ZA-88-35, Fausto Carnecilli, prospective owner, requesting a change in zoning from the "AA" (Agricultural) District to the "G" (Neighbourhood Shopping Centre) District to permit the development of the subject lands for Neighbourhood Shopping Centre having a gross floor area of approximately 4,106 m² (44,200 sq.ft.) for property located on the northwest corner of Stone Church Road East and Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:
- i) The proposal conflicts with the intent of the Official Plan and the approved Rushdale Neighbourhood Plan which designate the lands for "Residential" use.
 - ii) It would set a precedent for future similar applications.
 - iii) There is an adequate supply of commercially designated/zoned land in the surrounding area to serve the needs of the residents in the neighbourhood, as illustrated in APPENDIX "B".


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

APPLICANT

Fausto Carnecilli, prospective owner.

LOT SIZE AND AREA

- o 97.54 m (320 ft.) of frontage on Upper Sherman Avenue.
- o 122.83 m (403 ft.) of frontage on Rymal Road East.
- o 1.2 ha (2.9 ac) of lot area.

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Vacant.	"AA" (Agricultural) District.

SURROUNDING LANDS

to the north	Single-family dwellings.	"AA" (Agricultural) District.
to the south	Single-family dwellings.	"C" (Urban Protected Residential, etc.) District.
to the east	Church.	"AA" (Agricultural) District.
to the west	Single-family dwelling proposed townhouses.	"RT-10" (Townhouse) District.

OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The proposal does not comply with the Plan and would require a site specific amendment to redesignate the lands to "COMMERCIAL".

The subject lands are designated as a multi centre on Schedule "G" - Planning Units. Policy D.2.3 states that a variety of land, uses (i.e., recreational, commercial, insitutional, etc.) will be provided at the multi centre location. It is intended that the distribution of these land uses will be identified by the Neighbourhood Plans.

To ensure consistency with the multi centre policies the intersection of Stone Church Road East and Upper Sherman Avenue is identified as a Neighbourhood Shopping Centre location. Again, the exact location of the Shopping Centre would be determined through the preparation of the Neighbourhood Plans. Accordingly, the shopping center location is to be located at the southeast corner of Stone Church Road East and Upper Sherman Avenue on Schedule "B-1".

NEIGHBOURHOOD PLAN

The subject lands are designated "Institutional and Recreational" in the approved Rushdale Neighbourhood Plan. A site specific redesignation to "Commercial" will be required to permit the proposal.

COMMENTS RECEIVED

- o The Building Department, Traffic Department and Hamilton Region Conservation Authority have no comments or objections.
- o The Hamilton Wentworth Engineering Department has advised, in part, that:

"...public watermains as well as storm and sanitary sewers (on Stone Church Road only), are available to service the subject lands.

As a condition of development approval, we recommend that:

- a) sufficient lands be dedicated to the Region to establish the property line 15.24 m (50 ft.) from the centre line of the original Stone Church Road road allowance;
- b) sufficient lands be dedicated to the Region to establish a 12.19 m x 12.19 m daylight triangle from the widened limits of Stone Church Road and Upper Sherman Avenue." (see attached letter for full comments)

COMMENTS

1. The proposal does not comply with the Official Plan and, if approved, would require an amendment to redesignate the subject lands from "RESIDENTIAL" to "COMMERCIAL".
2. The proposal does not comply with the approved Rushdale Neighbourhood Plan and would require an amendment to redesignate the subject lands to "Commercial".
3. The proposal cannot be supported for the following reasons:
 - o it conflicts with the intent of the Official Plan;
 - o it conflicts with the intent of the approved Rushdale Neighbourhood Plan which designates the lands for "Recreational and Institutional" uses. The lands were designated for these purposes as a result of the Butler Multi Centre study.
 - o as illustrated by APPENDIX "B", there is an adequate supply of commercially designated/zoned land in the surrounding area to serve the needs of the residents of the neighbourhood.

For example, the Butler multi centre study designated a 0.8 ha parcel of land for commercial purposes on the south-east corner of Stone Church Road East and Upper Sherman Avenue. In addition, there is a 1.56 ha parcel of land also designated for commercial purposes within 396 m of the subject lands.

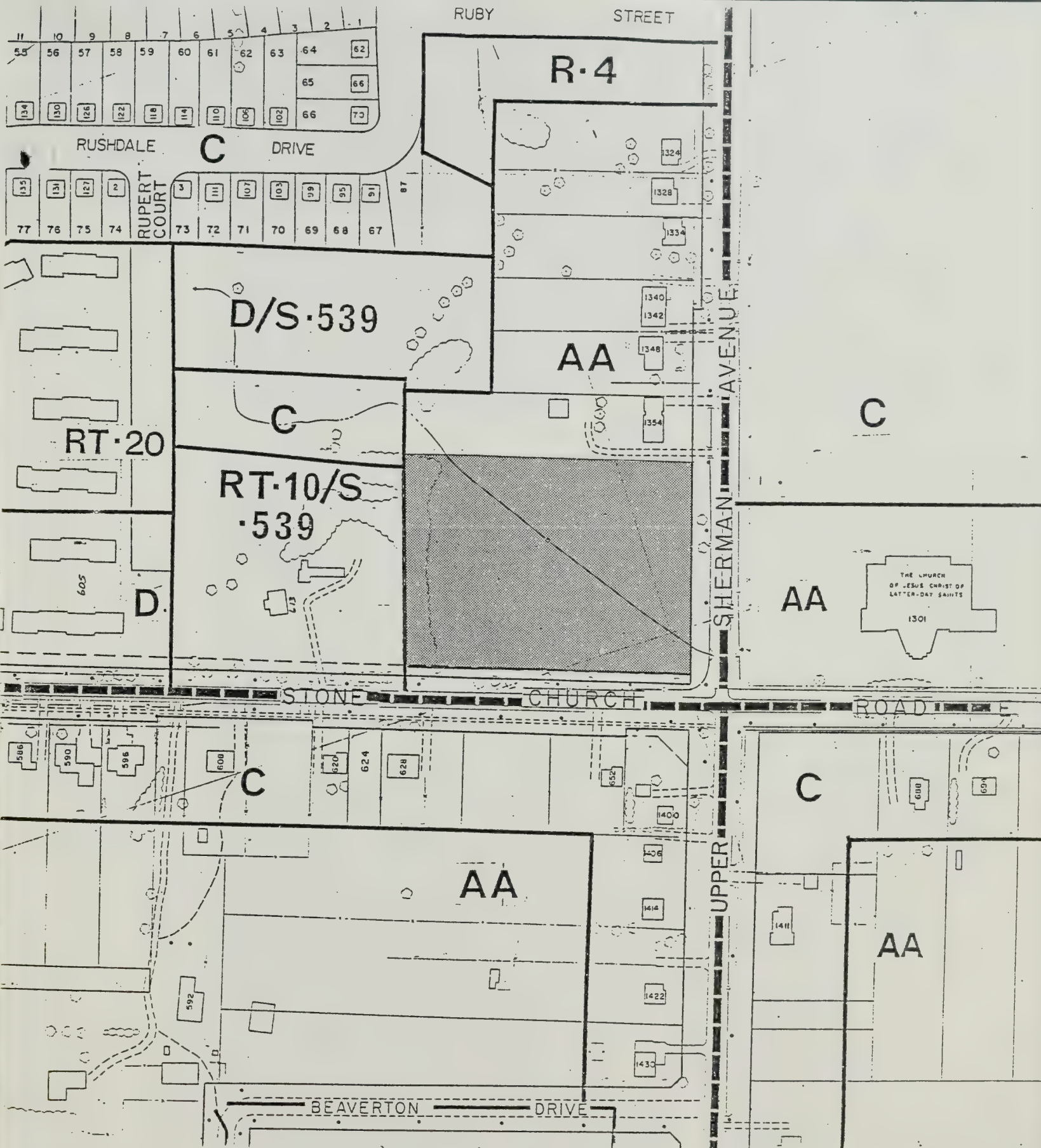
- o the applicant has not justified the need for additional commercial land; and,
- o it would set a precedent for future similar applications.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

JH/ma

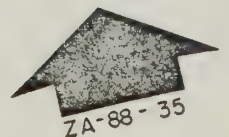
WP0144P



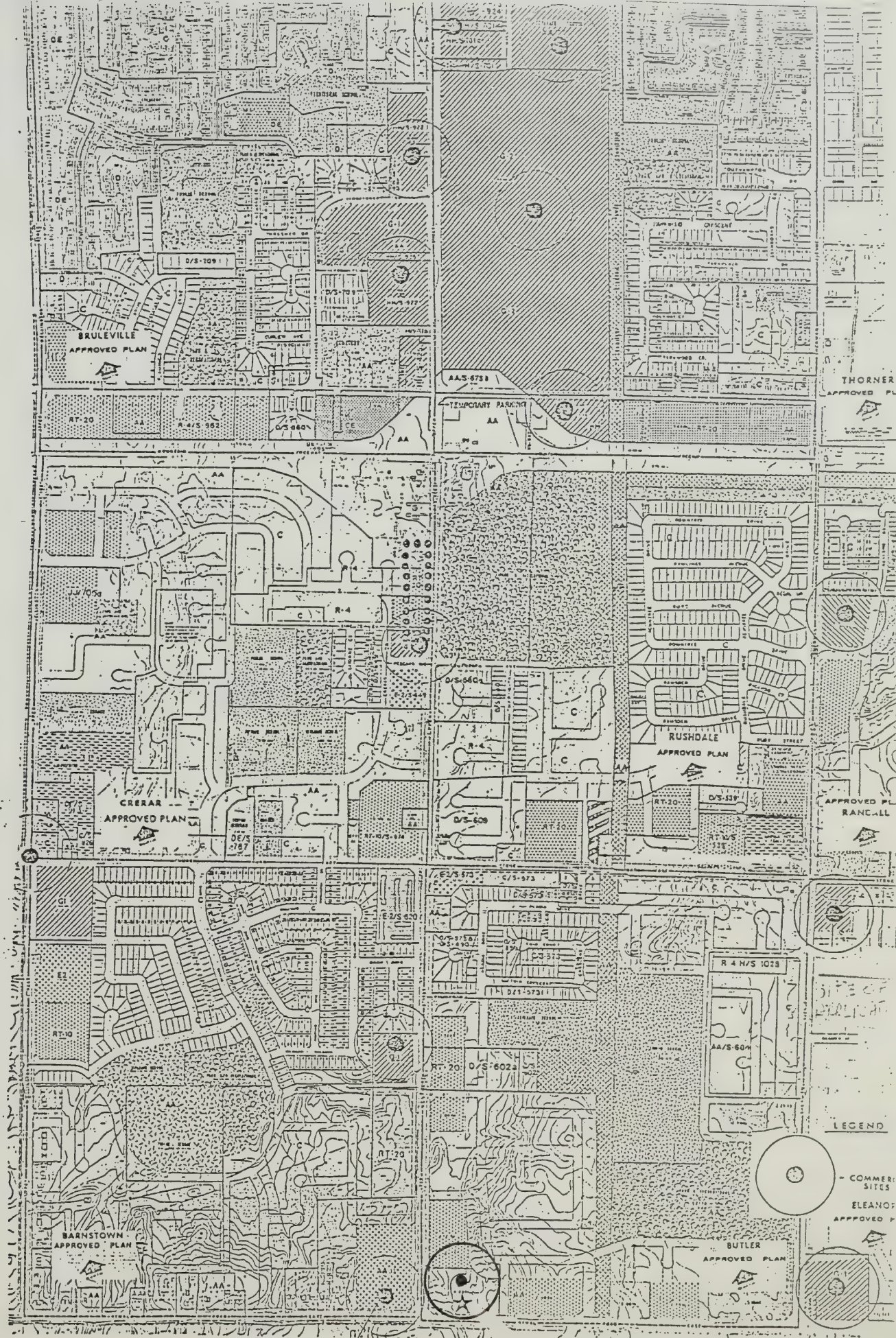
LEGEND



SITE OF THE APPLICATION



APPENDIX A





PLANNING & DEVELOPMENT LOCAL PLANNING BOARD			
H. 110.			
JUN 17 1988			
TO	STAFF	CHIEF	ADJ
FROM			
SUBJECT			
REMARKS			
ACTION			
1225 referred to File No. E220-1807 mention of T.L. Hearn's ur File No. ZA-88-35 J.H.			
ADMIN			

June 6, 1988

Gentlemen:

The designated road allowance widths of Upper Sherman Avenue is 30.48m (100 ft.) of Stone Church Road is 30.48m and a 12.19 X 12.19m (40 X 40 ft.) daylight triangle.

- a) sufficient lands be dedicated to the Region to establish the property line 15.24m (50 ft.) from the centre line of the original Stone Church Road road allowance;
- b) sufficient lands be dedicated to the Region to establish a 12.19 X 12.19m daylight triangle from the widened limits of Stone Church Road and Upper Sherman Avenue.

Continued ...

- page 2 -
June 3, 1988

Continued ...

For the information of the applicant:

- Any work within the widened road allowance limits must conform to the Region's Roads Use By-Law. Further details will be provided at the site plan stage;
- According to our records, there is a vertical curve on Upper Sherman north of the subject lands which will restrict motorists vision entering Upper Sherman Avenue. These sight distances do not appear to be critical and we will provide detailed comments at the site plan stage.
- According to Drawing No. 80-S-34 (revised), there is a sharp vertical curve on Stone Church Road immediately west of the subject lands which restricts visibility entering Stone Church looking west. We advise at this time that access to Stone Church Road will be restricted to the easterly 80 to 85m to provide sufficient sight distances. Further details will be provided at the site plan stage.
- The applicant should be advised that any roadway improvements as a result of this development are the responsibility of the owner/applicant.
- The applicant should also be advised that future reconstruction of the roadways may include the construction of raised concrete median islands which may restrict access to the subject lands.

TLH:tlj
encl.

Report
for K.A. Brenner

cc: M.A. Chidley
Regional Surveyor

A. BECK

S. TOTH

P. DALY

W. ROWBOTTOM

G. BLUNDEN

SHERMAN

WENTWORTH

906'

N 17° 50' E

LANDS OF D. A. SMITH

BARTON

E. & A. COMLEY

420'

UPPER

STREET LINE

THE TRUSTEE BOARD OF THE
PRESBYTERIAN CHURCH IN CANADA

Widening Required

N. 70° 58' N.

STONE

CHURCH RD.
(RD. ALL. BET-N CON-57 & 8)

NOTE

SS-547

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 October 5
COMM FILE:
DEPT. FILE: ZA-88-57
 Bruleville
 Neighbourhood

SUBJECT:

An amended application requesting a change in zoning - Nos. 872, 878, 882 and 890 Upper Wentworth Street.

RECOMMENDATION

- (a) That approval be given to Official Plan Amendment No. to redesignate from "RESIDENTIAL" to "COMMERCIAL", and to extend the boundary of "Special Policy Area 33", the lands located at Nos. 872, 878, 882 and 890 Upper Wentworth Street, and that the City Solicitor be directed to prepare a By-law to adopt the Official Plan amendment for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to amended Zoning Application ZA-88-57, Barriview Developments Limited, prospective owner, requesting a change in zoning from the "AA" (Agricultural) District and the "C" (Urban Protected Residential, etc.) District to the "HH" (Restricted Community Shopping and Commercial) District modified, to permit the development of a Neighbourhood Shopping Plaza, for properties located at Nos. 872, 878, 882 and 890 Upper Wentworth Street, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:
- i) That the lands shown as Block "1" be rezoned from the "AA" (Agricultural) District to the "HH" (Restricted Community Shopping and Commercial) District;
 - ii) That the lands shown as Blocks "2" be rezoned from the "C" (Urban Protected Residential, etc.) District to the "HH" (Restricted Community Shopping and Commercial) District;
 - iii) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the lands shown as Blocks "1" and "2", be modified to include the following variances as special regulations:
 - 1. That notwithstanding Section 14A(1) of Zoning By-law No. 6593, the following uses shall be prohibited:

Public Uses

A private club, lodge, fraternity or sorority house or labour union hall.

Commercial Uses

- a) A restaurant or refreshment room.
 - b) An auctioneer's premises.
 - c) A tavern.
 - d) A billiard room, bowling alley, shooting gallery, penny arcade, public hall, music hall, theatre or other place of amusement.
2. That a minimum 9.1 m (30 foot) wide landscaped area be provided along the westerly lot line adjacent to the Fieldway Drive extension.
3. That no vehicular access shall be permitted along the westerly lot line.
- iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-18 be notated S- ;
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18 for presentation to City Council;
- vi) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. .

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning for properties at Nos. 872, 878, 882 and 890 Upper Wentworth Street, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:

Block "1" - Change from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, modified.

Block "2" - Change from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified.

The effect of the By-law is to permit the development of the subject properties for a Neighbourhood Shopping Plaza.

In addition, the By-law provides for the following variances as special requirements:

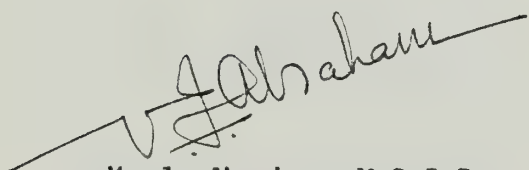
1. To prohibit the following uses:

Public Uses

- a) A private club, lodge, fraternity or sorority house or labour union hall.

Commercial Uses

- a) A restaurant or refreshment room;
 - b) An auctioneer's premises;
 - c) A tavern; and
 - d) A billiard room, bowling alley, shooting gallery, penny arcade, public hall, music hall, theatre or other place of amusement.
2. To require the provision of a minimum 9.1 m (30 foot) wide landscaped area along the westerly lot line adjacent to the Fieldway Drive extension.
3. To prohibit vehicular access along the westerly lot line.


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The applicant has requested a change in zoning from the "AA" (Agricultural) District and the "C" (Urban Protected Residential, etc.) District to the "HH" (Restricted Community Shopping and Commercial) District modified, to permit the development of the subject property for a Neighbourhood Shopping Plaza. In this regard, high traffic generator type uses (e.g. restaurant, tavern, etc.) are to be excluded.

APPLICANT

Barriview Developments Limited, prospective owner.

LOT SIZE AND AREA

The subject properties have a total of approximately:

- 73.66 m (241.67 feet) of frontage on Upper Wentworth Street;
- 84.73 m (278 feet) of frontage on Fieldway Drive; and
- 0.56 ha (1.39 acres) of lot area.

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Single-family dwellings and vacant.	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District.
<u>SURROUNDING LANDS</u>		
to the north	Vacant and single-family dwellings.	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District.
to the south	Commercial.	"HH" (Restricted Community Shopping and Commercial) District.
to the east	Commercial.	"HH" (Restricted Community Shopping and Commercial) District and "G-2" (Regional Shopping Centres) District.
to the west	Vacant and Crestwood Vocational School	"C" (Urban Protected Residential, etc.) District and "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District.

OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - land Use Concept of the Official Plan. The proposal does not comply. Approval of the application would require a redesignation to "COMMERCIAL", and to extend the boundary of "Special Policy Area 33" to include the subject lands. This Special Policy Area prohibits high traffic generating commercial and public uses, and limits new vehicular access onto Upper Wentworth Street.

NEIGHBOURHOOD PLAN

The subject lands are designated "COMMERCIAL" in the approved Bruleville Neighbourhood Plan (see Block 'A' - APPENDIX "B").

It is the intent of the Plan that commercial use of the subject land be neighbourhood oriented (no high commercial uses or high traffic generators), that no vehicular access be permitted to the west, and a 9.1 m (30 foot) wide landscaped buffer be provided abutting the Fieldway Drive extension.

The proposal would comply with the intent of the approved Bruleville Neighbourhood Plan, provided the foregoing restrictions are complied with.

RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:

- Building Department;
- LACAC;
- Hamilton Region Conservation Authority.

- The Traffic Department has advised as follows:

"...we have reviewed the above-noted application and find it satisfactory. As the applicant is likely already aware, no access will be permitted from the internal neighbourhood roadways, to this site."

- The Hamilton-Wentworth Department of Engineering has advised as follows:

"Please be advised that both public watermains, as well as storm and sanitary sewers are available to service the subject lands.

We do not anticipate any further road allowance widenings on Upper Wentworth Street at this time.

The applicant is warned that as part of the severance and site plans, we will deal with the following matters:

1. Sufficient lands be dedicated to the City for the construction of a 15 m radius and transition cul-de-sac and curve on the south leg of Fieldway Drive, immediately north and west of Part 1 on Reference Plan 62R-7879 (see plan attached).

2. Sufficient lands be dedicated to the City to establish the extension of Fieldway Drive as shown on the approved Bruleville Neighbourhood Plan. This street is to align centreline to centreline with the extension at the north.
3. The applicant/owner enter into appropriate agreements with the City/Region for the recovery of servicing costs, etc.
4. The applicant/owner take the necessary steps to have the one foot reserve shown as Part 2 on Reference Plan 62R-8777 lifted and incorporated into Fieldway Drive.
5. That the walkway between Millwood Place and the southerly end of Fieldway Drive be established (if part of Applicant's lands).
6. That the subject lands be developed through site plan control.
7. That the required 9.14 m (30 foot) buffer zone between the Fieldway Drive extension and the subject lands be included in the development, and that no access from this side be permitted on the internal streets."

COMMENTS

1. The proposal does not comply with the intent of the Official Plan. Approval of the application would require an amendment to redesignate the subject lands from "RESIDENTIAL" to "COMMERCIAL", and to extend the boundary of "Special Policy Area 33".
2. The proposal would comply with the intent of the approved Bruleville Neighbourhood Plan, provided that it satisfies the special policies applicable thereto (see Block 'A' - APPENDIX "B").
3. The proposal has merit and can be supported for the following reasons:
 - it implements the intent of the approved Bruleville Neighbourhood Plan which designates the lands "Commercial";
 - it would be compatible with existing and future intended uses in the surrounding area; and
 - it is suitably located on an arterial road (Upper Wentworth Street).

In keeping with the intent of the special policies applicable to the subject lands under the approved Bruleville Neighbourhood Plan (see Block 'A' - APPENDIX "B"), the applicant has amended the application and is requesting an "HH" (Restricted Community Shopping and Commercial) District, modified to prohibit the following uses:

- Public Uses

A private club, lodge, fraternity or sorority house or labour union hall (Section 11(1)(viii)).

- Commercial Uses

- a) A restaurant or refreshment room (Section 11.(1)(viii));
- b) An auctioneers premises (Section 14.(1)(xiv));
- c) A tavern (Section 14A(1)(ca)); and
- d) A billiard room, bowling alley, shooting gallery, penny arcade, public hall, music hall, theatre or other place of amusement (Section 14A(1)(cb)).

It should be noted that the foregoing prohibition on uses has been applied to several properties along Upper Wentworth Street, including the King Fisher Square plaza located immediately to the south.

Furthermore, the applicant should be required to provide a 9.1 m (30 foot) wide landscaping buffer along the westerly lot line adjacent to the Fieldway Drive extension, and vehicular access should be prohibited from internal neighbourhood roads as per the special requirements of the Neighbourhood Plan.

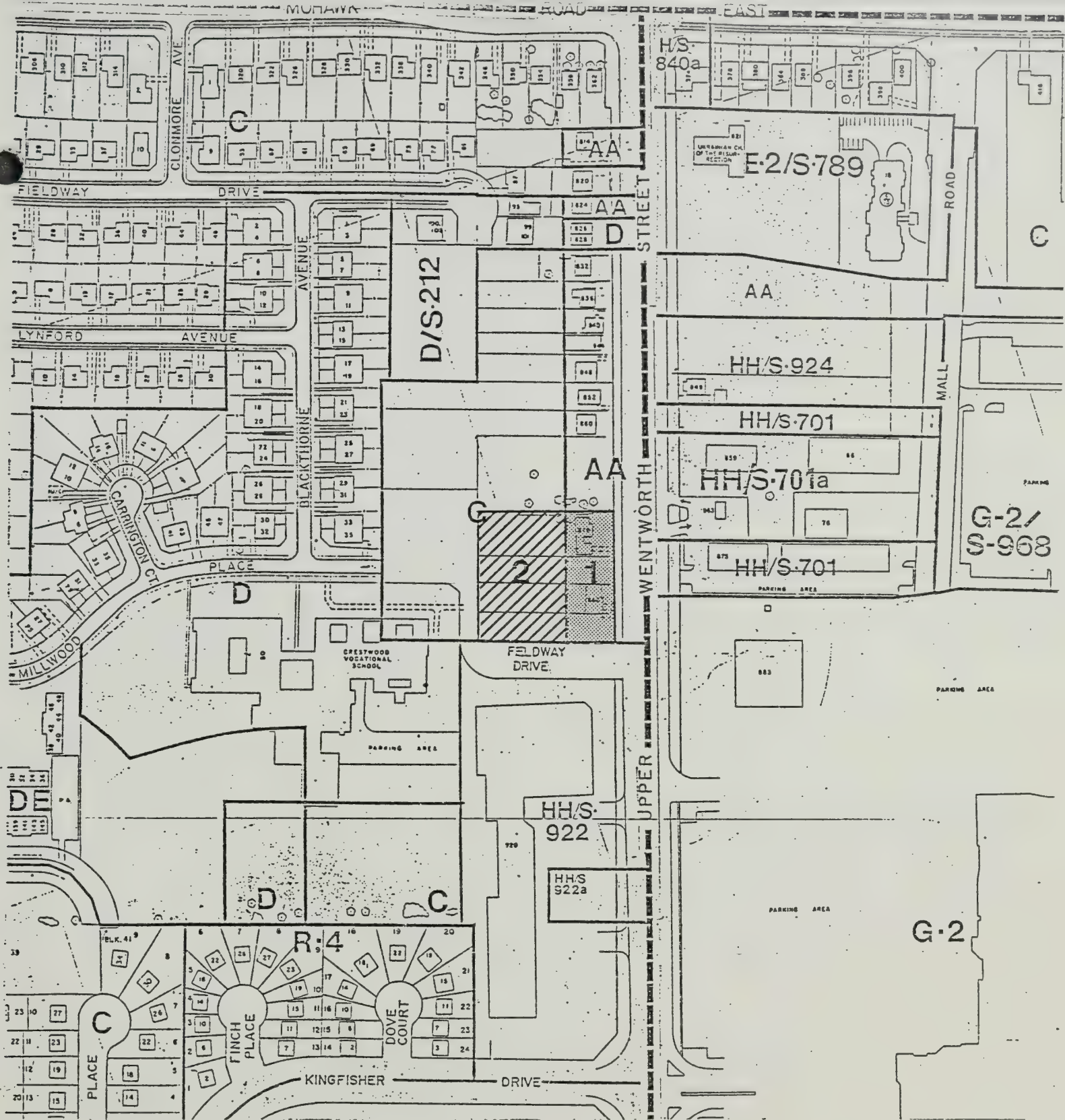
4. Development of the property would be subject to Site Plan Approval, thereby allowing for the review of access, landscaping, parking, etc. Furthermore, the concerns of the Hamilton-Wentworth Department of Engineering respecting dedication of lands for the cul-de-sac on Fieldway Drive and the future extension of Fieldway Drive, and the recovery of servicing costs could be accommodated.

CONCLUSION



On the basis of the foregoing, the application can be supported.

PDM/ma

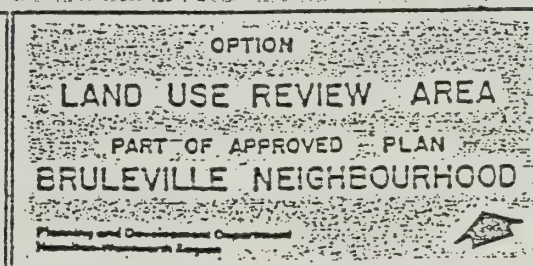
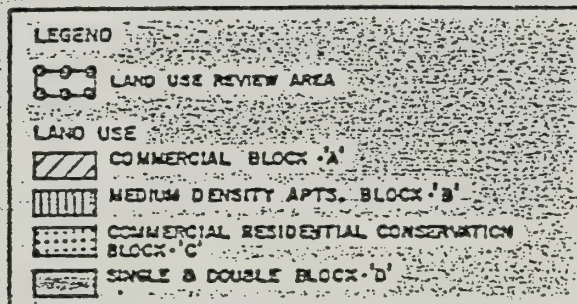
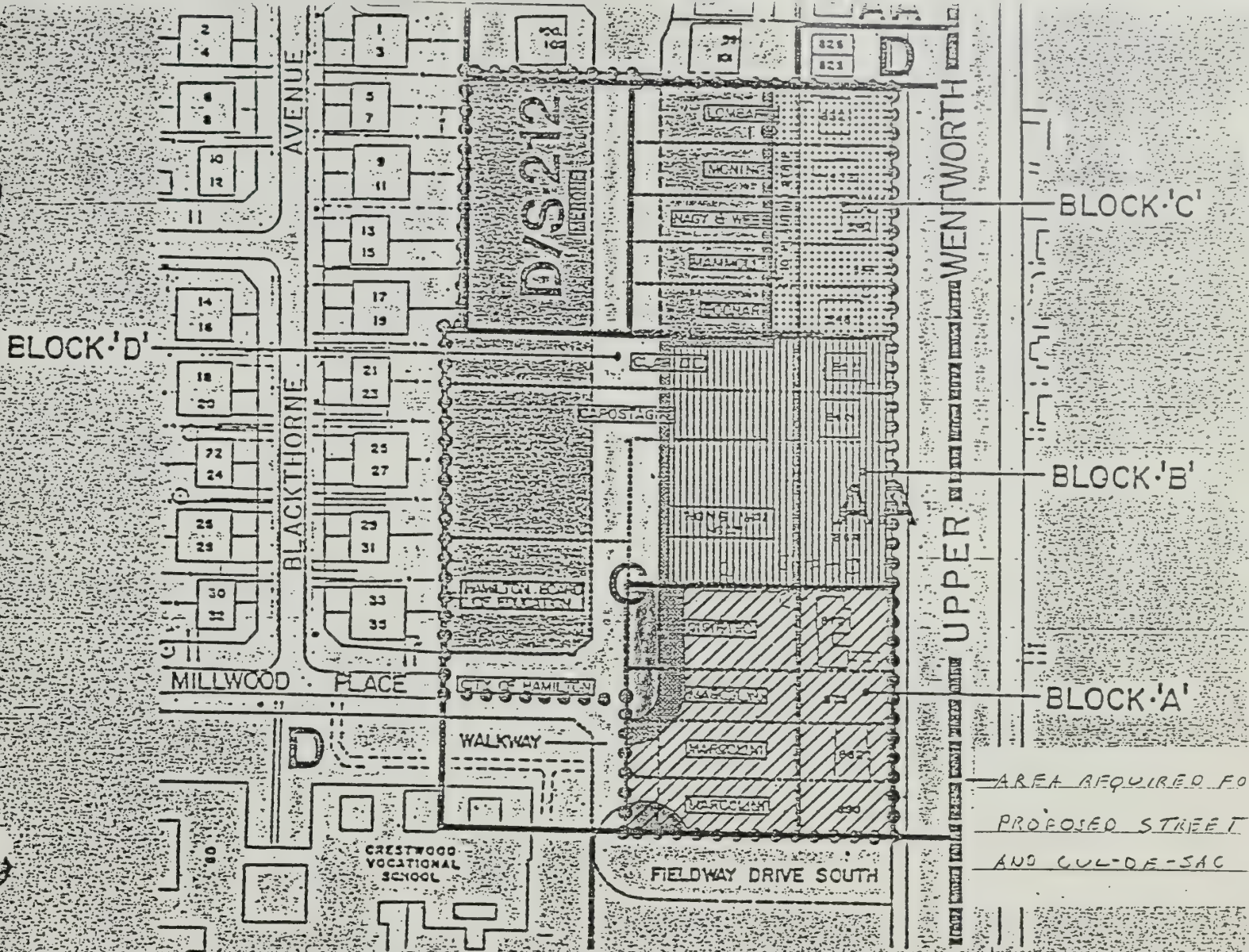
WP0482P



LEGEND.

- CHANGE IN ZONING FROM:
- BLOCK 1  "AA" (AGRICULTURAL) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT
- BLOCK 2  "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT





BLOCK A

- Commercial to be neighbourhood oriented (no high commercial uses or high traffic generators)
- No vehicular access to be permitted to the west
- 30' wide landscaping buffer to abut Fieldway Drive extension

BLOCK B

- 6 storey height limit
- 50' set back from Fieldway Drive extension

BLOCK C

- Up to 1000 square feet of professional offices or commercial uses generating similar traffic volumes permitted in existing residences or infill residences of similar character

Appendix "F" as referred to in Section 12 of the ELEVENTH Report for 1988 of the Planning and Development Committee.

FOR ACTION

19.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 October 5
COMM FILE:
DEPT. FILE: ZA-88-62
Strathcona
Neighbourhood

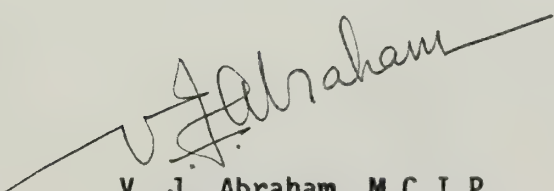
SUBJECT:

Request for a change in zoning - No. 577 York Boulevard.

RECOMMENDATION

That Zoning Application ZA-88-62, Castleview Holdings Inc. (W.Kosar), owner, requesting a change in zoning from the "L-mr-2" (Planned Development - Multiple Dwelling) District to the "H" (Community Shopping and Commercial, etc.) District, to permit the conversion of the existing single-family dwelling for office use, for property located at No. 577 York Boulevard as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) It conflicts with the intent of the Official Plan which designates the subject lands for "RESIDENTIAL" use;
- ii) It conflicts with the intent of the approved Strathcona Neighbourhood Plan which designates the subject lands for "MEDIUM DENSITY APARTMENTS";
- iii) It conflicts with the intent of the established "L-mr-2" (Planned Development - Multiple Dwelling) District which functions as a holding zone for future multiple residential uses; and
- iv) Approval of the application would set an undesirable precedent for future similar applications.


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Proposed Development

The applicant has requested a change in zoning from the "L-mr-2" (Planned Development - Multiple Dwelling) District to the "H" (Community Shopping and Commercial, etc.) District to permit the conversion of the existing single-family dwelling into an office for the applicant's construction business.

● By-law No.

City Council passed By-law 76-233 on July 27, 1976. The purpose of the By-law was to implement Addenda Nos. 3 and 4 to the York Street Redevelopment Plan and the revised Central and Strathcona Neighbourhood Plans affecting land adjacent to York Boulevard. The effect of the By-law was to rezone the subject property, among others, from the "H" (Community Shopping and Commercial, etc.) District to the "L-mr-2" (Planned Development - Multiple Residential) District.

APPLICANT

Castleview Holdings Inc., owner.

LOT SIZE AND AREA

The subject property has approximately:

- 6.1 m (20.35 feet) of frontage on York Boulevard; and,
- 230.8 m² (2,485 square feet) of lot area.

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Single-family dwelling.	"L-mr-2" (Planned Development - Multiple Residential District.
<u>SURROUNDING LANDS</u>		
To the North	Dundurn Park	"A" (Conservation, Open Space, Park and Recreation) District, modified.

to the south	Single-family and two-family dwellings	"D" (Urban Protected Residential-One and Two Family Dwellings, Townhouses etc.) District.
to the east	Vacant and Parking Lot	"L-mr-2" (Planned Development - Multiple Residential) District and "L-mr-2" District, modified.
to the west	Single-family residential.	"L-mr-2" (Planned Development - Multiple Residential) District.

OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The primary uses permitted in the "RESIDENTIAL" designation are dwellings. However, Local Commercial Uses are permitted in accordance with the following policies:

- "2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
 - iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.
- 2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments, and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access. (O.P.A. No. 5).
- 2.2.26 The maximum size of any retail establishment will not exceed 230 square metres and the maximum size of any LOCAL COMMERCIAL development will not exceed .4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services."

On the basis of the foregoing, the proposal is not considered to be a local commercial use, in that the office would serve the City as a whole. Accordingly, approval of the application would require an Official Plan amendment to establish a Special Policy Area to permit the office within the "RESIDENTIAL" designation.

NEIGHBOURHOOD PLAN

The subject lands are designated for "MEDIUM DENSITY APARTMENTS" in the approved Strathcona Neighbourhood Plan. Approval of the application would require an amendment to redesignate the lands "COMMERCIAL".

RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:

- Go Transit;
- Community Development Department;
- LACAC;
- Ministry of Transportation;
- Building Department;
- Hamilton Region Conservation Authority.

- The Traffic Department has advised as follows:

"The proposed conversion of the existing residential dwelling to office space is satisfactory. However, we suggest that rather than a change in zoning to "H" District which would permit redevelopment of the subject lands to any number of uses in the future, that a modification to the existing "C" District to permit the proposed use would be more appropriate."

- The Hamilton-Wentworth Department of Engineering has advised as follows:

"Please be advised that public watermains, as well as combined storm and sanitary sewers, are available to service the subject lands.

We do not anticipate any further road allowance widenings at this time.

Any works within the York Street road allowance must conform to the Region's Roads Use By-law.

Any change in access or a new access to York Street requires an Approach Approval from the City Traffic Department.

For the applicant's information, the construction of a proper two-way commercial access to York Street is virtually impossible with the existing 6.1 m (20 feet) frontage. For this reason, the applicant may wish to approach the City to purchase/lease a strip of City land immediately to the east of No. 577 York Street, as shown on the attached plan, P-967 Surveys."

COMMENTS

1. The proposal does not comply with the intent of the Official Plan. Approval of the application would require an amendment to establish a Special Policy Area.

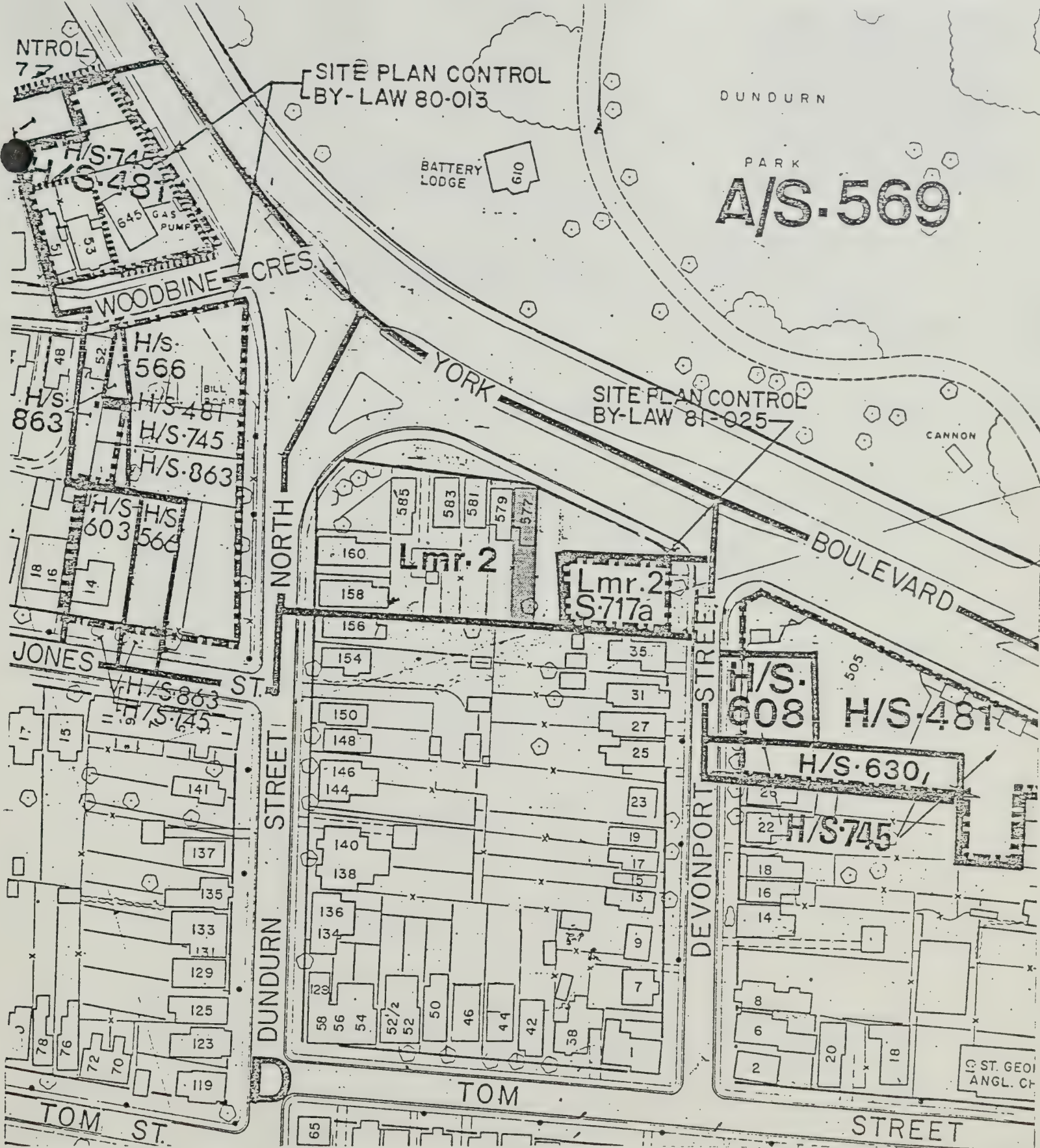
2. The proposal does not comply with the approved Strathcona Neighbourhood Plan. Approval of the application would require an amendment to redesignate the lands to "COMMERCIAL".
3. The proposal cannot be supported for the following reasons:
 - it conflicts with the intent of the Official Plan which designates the subject lands for "RESIDENTIAL" use. In this regard, the proposed construction office is considered to be a use which serves the City at large rather than the daily retail needs of surrounding residents;
 - it conflicts with the intent of the approved Strathcona Neighbourhood Plan which designates the subject lands for "MEDIUM DENSITY APARTMENTS";
 - it conflicts with the intent of the "L-mr-2" District which functions as a holding zone for future multiple residential uses; and
 - it would set a precedent for future similar applications.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

PDM/ma

WP0118P



FOR ACTION

206.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 September 29
COMM FILE:
DEPT. FILE: ZA-87-58
Gershome
Neighbourhood

SUBJECT:

Request for a change in zoning for the properties located at Nos. 2774-2794 King Street East.

RECOMMENDATION

- (a) That approval be given to Official Plan Amendment No. to redesignate a portion of the subject lands (Block "2") from "Residential" to "Commercial" and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to an amended Zoning Application ZA-87-58, Tommar Construction, owner requesting a further modification to the "G" (Neighbourhood Shopping Center, etc.) District provisions to permit a restaurant within the proposed shopping centre, for the property located at Nos. 2774 - 2794 King Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That By-law 86-204, amending Zoning By-law No. 6593 be further amended on the following basis:
 - 1) That Section 2.(b)(i)(1) be deleted.
 - ii) That By-law 86-230 amending Zoning By-law No. 6593, be further amended on the following basis:
 - 1) That Section 2.(a)(ii)(1) be deleted.
 - iii) That the "G" (Neighbourhood Shopping Centre) District regulations be amended to permit a restaurant with a maximum seating capacity for 60 persons and further, that a drive through facility is prohibited.
 - iv) That a 3.0 m wide landscaped strip shall be provided along the front lot line except for the access driveways.
 - v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedules S-995a and S-966a and, that the subject lands on Zoning District Map E-106 be notated as S-995a and S-966a.
 - vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-106 for submission to City Council.

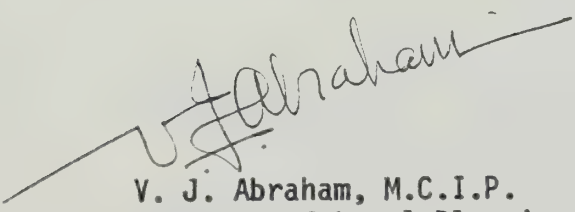
- vii) That the proposed change in zoning will be in conformity with the Official Plan once Official Plan Amendment No. is approved by the Regional Municipality of Hamilton-Wentworth.

EXPLANATORY NOTE

The purpose of this By-law is to provide for a further modification to the "G" (Neighbourhood Shopping Center) District provision for the property located at Nos. 2774 and 2794 King Street East.

The effect of the By-law is to permit a restaurant within the proposed shopping center.

In addition, the By-law requires a 3.0 m wide landscaped strip be provided along the front lot line.



V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

This zoning application was tabled pending the completion of review of the land use on King Street East between Nash Road and Centennial Parkway in the Gershome and Greenford Neighbourhoods. This application is considered as a submission to this land use review and consequently the more detailed information is contained in that report. The application would conform with the revised Neighbourhood Plan.

A public meeting held in April 1988 revealed that approximately 60% of the area residents were in favor of a family type restaurant. In addition, the Traffic Department has indicated that a restaurant at this location is satisfactory.

OFFICIAL PLAN

Block "1" is designated "Commercial" on Schedule "A". The proposal complies.

Block "2" is designated "Residential" on Schedule "A". A site specific redesignation to "Commercial" is required to permit the proposal.

CONCLUSION

The application can be supported based on the proposed changes to the neighbourhood plan policies which would limit the restaurant to 60 seats in keeping with a small scale neighbourhood restaurant.

JH/ma

WP0144P

F O R A C T I O N

20c.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 September 29
COMM FILE:
DEPT. FILE: ZA-87-95
 Greenford
 Neighbourhood

SUBJECT:

Request for a change in zoning for the property located at No. 2783 King Street East.

RECOMMENDATIONS

1. That Zoning Application ZA-87-95, F.J. Barnes, owner requesting a change in zoning from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District, to permit a retail store and/or office within the existing building for the property located at No. 2783 King Street East, as shown on the attached map marked as APPENDIX "A", be denied for the following reason:
 - (a) The "H" (Community Shopping and Commercial, etc.) District is an inappropriate zoning category since the long term intended land use for the north-west corner of King Street East and Owen Place is for "Low Density Apartments".
2. That approval be given to Official Plan Amendment No. to create a Special Policy Area to permit limited commercial uses and business offices within the existing building and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
3. That approval be given to an amended Zoning Application requesting a modification to the "AA" (Agricultural) District provisions to permit a retail store and/or offices within the first floor of the existing building, for the property located at No. 2783 King Street East, on the following basis:
 - i) That the "AA" (Agricultural) District provisions as contained in Section 7A of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as a special requirement:
 - a) That notwithstanding Section 7A(1), the following commercial uses shall be permitted within the first floor of the existing building:
 1. retail clothing store
 2. business office

b) That notwithstanding Section 7A(1), the following accessory use shall be permitted:

1. One ground sign, wall sign, or projecting sign of an area not more than 0.4 square metres (4.31 sq.ft.) non-illuminated or illuminated by non-flashing, indirect or interior means only, located at least 1.4 metres (4.92 ft.) from the nearest street line in connection with any commercial use permitted in the district.
- ii) That notwithstanding Section 18A.(1)(a), 4 parking spaces shall be required on site, in the rear yard and shall be set back a minimum distance of 3 m from the rear lot line.
- iii) That a visual barrier of 2 m in height be required along the rear lot line.
- iv) That the amended By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- and that the subject lands and Zoning District Map E-106 be notated S- ;
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-106 for submission to City Council.
- vi) That the proposed change in zoning will be in conformity with the Official Plan once Official Plan Amendment No. is approved by the Regional Municipality of Hamilton-Wentworth.

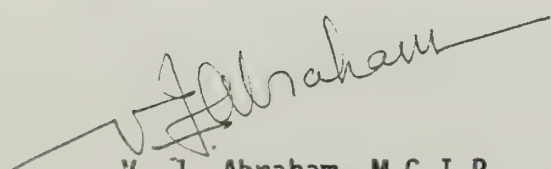
EXPLANATORY NOTE

The purpose of this By-law is to provide for a modification to the "AA" (Agricultural) District provision for the property located at No. 2783 King Street East.

The effect of the By-law is to permit:

1. business offices and/or retail clothing store within the first floor of the existing building.
2. One ground sign, wall sign or projecting sign of an area not more than 0.4 m² (4.31 sq.ft.) non illuminated or illuminated by non-flashing, or interior light only.

In addition, 4 parking spaces will be required to be provided on site.


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

The Zoning Application has been held in abeyance pending the land use review for the lands located on King Street East between Nash Road and Centennial Parkway in the Greenford and Gershome Neighbourhoods. The application is considered as a submission to the land use review on the Greenford Neighbourhood Plan which proposes to designate the subject lands "Commercial/Residential - Conservation".

OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A". Local commercial uses which cater to the daily retail needs and primarily depend on pedestrian traffic are permitted.

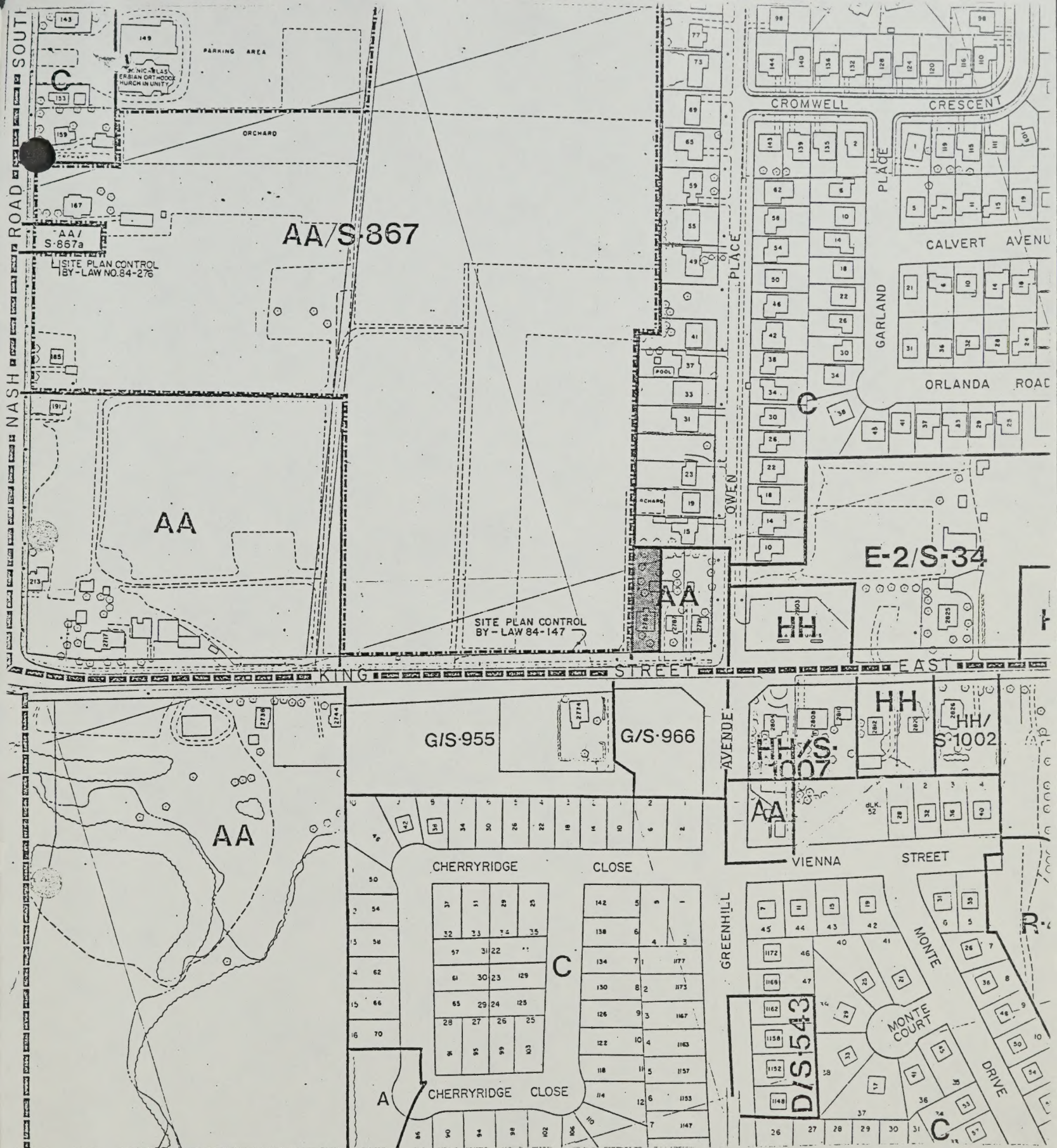
However, the proposed uses do not comply with this policy. An amendment to the Official Plan to create a Special Policy Area to permit these uses is required.

CONCLUSION

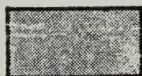
The lands located between Nos. 2783 - 2791 King Street East are designated "Low Density Apartments" in the proposed Plan. The proposed use of the existing building for a retail store and a business office is appropriate as an interim use. The long term intended land use is to develop these properties on a comprehensive basis for a 3-4 storey apartment building. (see King Street East Study)

JH/ma

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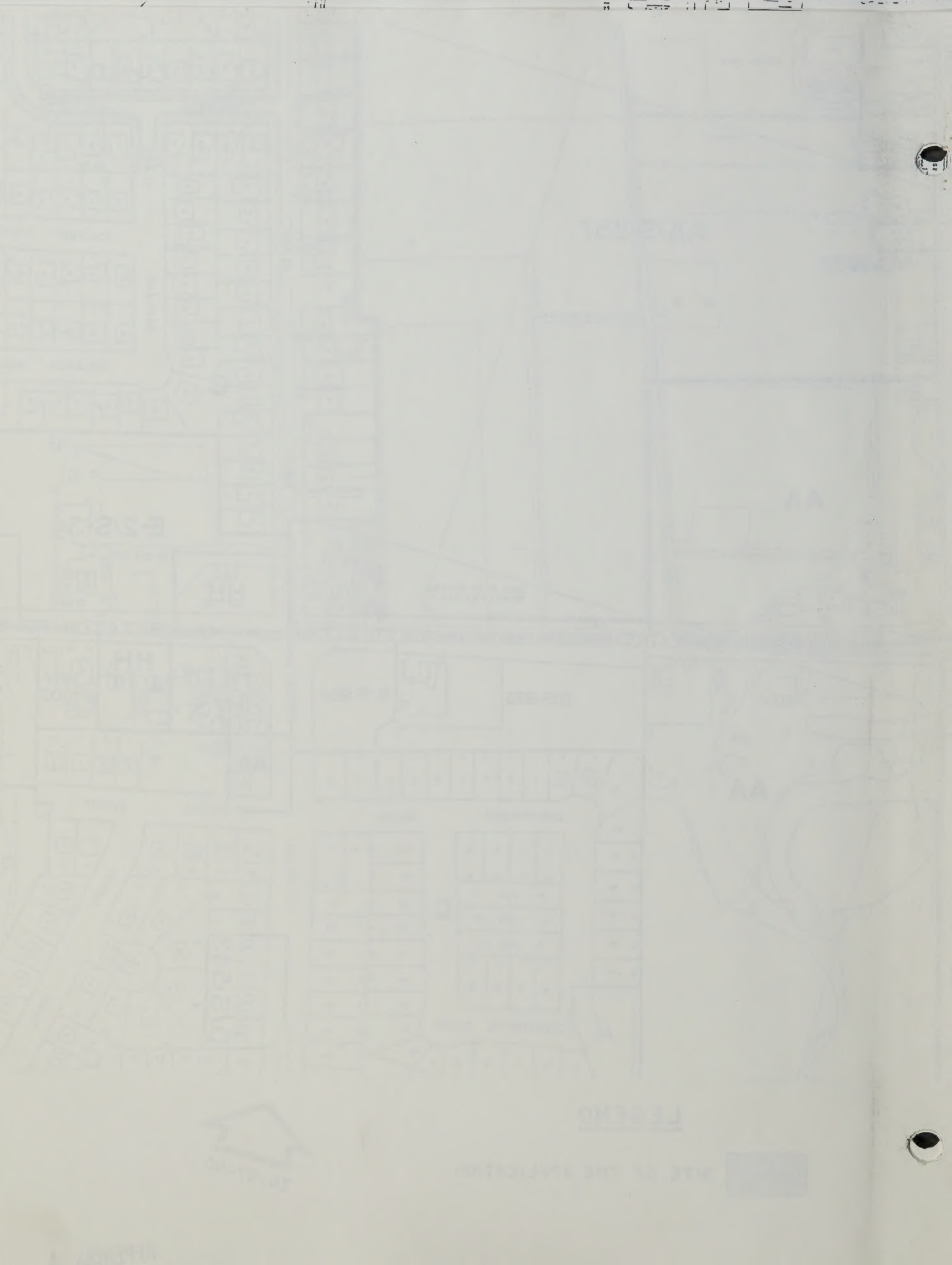


LEGEND



SITE OF THE APPLICATION





LEGEND

MAP OF THE SPECIFIC

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